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*Portrait by Charles Willson Peale in the Pennsylvania Academy of Fine Arts, Philadelphia*

# THE GROWTH OF AMERICAN NATIONALITY

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*To the Memory of  
Carl Russell Fish  
Frank Heywood Hodder  
Frederick Jackson Turner  
Inspiring Teachers  
of my Student Days*





## PREFACE

THE tragedy of a World War which destroys the fruits of generations of labor, and makes the lives of men appear but as pawns in a game of chess, might well lead to the conclusion that history teaches nothing, and therefore that its study is a waste of time. Such a conclusion is only a confession of ignorance. Historians have recorded the imperishable lessons which the past so eloquently presents; the fault lies with men who refuse to profit therefrom. For it is a truism that the past is our only guide for the present and the future. Only through knowledge of other years can we understand the forces which have produced the conditions under which we live.

History, therefore, is not dead—a mere catalog of dry facts which, like bones, may be named and tabulated, memorized and forgotten. If this were so, then better that the bones be left in peace. Actually, history is a living thing; it is the factual bones clothed with flesh and blood, housing the spirit of man with all his aspirations and strivings, successes and failures—the embodiment of everything which, through the ages, has had a part in lifting humanity above the dead level of animal existence. History, then, is the great drama of life—the sum total of human experience, the joyful and the drab. It is the glory of music, of ideas beautifully expressed, of sacrifices nobly made, of lives heroically lived or basely squandered. It is the story of mankind.

Is it possible, fairly and with balance, to condense any considerable portion of this story—say that of America from 1492 to 1865—within the limits of one volume, and yet at the same time stimulate further reading on the part of students who have not made sufficient soundings to disclose the intriguing possibilities of exploration beyond the text? To those who attempt such a

synthesis the problem is one of perennial interest. This is true partly because the appraisal of major forces (social, economic, and political) presents a wide range for honest difference in interpretation, and partly because even the most open-minded historian may not wholly escape powerful influences of his own generation. For example, Americans of today will, in all probability, find it difficult ever to avoid prejudice in evaluating Japanese relations leading up to December 7, 1941. Again, for several years past, we find a strong general tendency to explain most things historical in terms of economic interest. Not many decades ago the political interpretation was predominant.

Manifestly, history can not be written or understood in terms alone of either politics, economic forces, great men, "racial superiority," or other social factors. Rather, it must be the weighing and interweaving of all these elements. To what extent I have succeeded in this task of combining the woof of human experience with the warp of chronology and politics the reader is at liberty to decide for himself. And this high privilege, let us not forget, is but one of the glories of being a sovereign citizen of the United States of America. Assuredly he who drinks from the fountains of the past can hardly be insensible to the great (if still imperfect) boons of freedom and justice, nor can he lightly consider putting them in jeopardy even in time of international turmoil.

To-day (1942) virtually all that men of honor hold most dear appears at stake. But the true American is confident that the principles upon which this nation was founded have moulded a people which can weather the supreme test presented by the most devastating of all wars. The growth of this fine spirit of nationality—a spirit which, somehow, gives Americans a distinctive quality among free men—during the formative years of our history should, therefore, be of great moment to all who prize the liberties, under law, which our fathers have won, and which we are highly resolved to keep.

Full acknowledgment of my indebtedness to the hundreds of historians upon whom I have freely drawn would be impossible. Gratitude requires, however, that particular mention should be made of several authors whose single volumes (whether general

or dealing with a special phase or period) have preceded my own, and which in most cases have been class adoptions for various courses which I have conducted. Among these are Thomas A. Bailey of Stanford University, Samuel Flagg Bemis of Yale University, Carl Russell Fish, late of the University of Wisconsin, Ralph V. Harlow of Syracuse University, John D. Hicks of the University of California, Marcus W. Jernegan of Chicago University, John H. Latané, late of Johns Hopkins University, Samuel Eliot Morison of Harvard University, Curtis P. Nettels of the University of Wisconsin, Frederic L. Paxson of the University of California, James G. Randall of the University of Illinois, Louis M. Sears of Purdue University, and Fred A. Shannon of the University of Illinois.

Acknowledgments likewise are due to Dean M. J. Nelson and Librarian Anne Stuart Duncan of Iowa State Teachers College, to my former colleague in history, Doctor Marshall R. Beard, and to my associates, Doctors Ralph R. Fahrney and Leland L. Sage. Especially heavy is my obligation to Professor M. R. Thompson for help of various kinds known to a department head, and to Professor R. Carlyle Buley of Indiana University, who not only gave friendly encouragement when it was needed but read and criticized the entire volume, offering many valuable suggestions and placing at my disposal some unpublished manuscript.

To the editors of The Macmillan Company I am deeply grateful for unfailing consideration and helpfulness; also to their "Readers" who with kindly incisiveness "took several chapters apart" and saved me from many pitfalls. With all these I gladly share any merits the book possesses—for the errors that may remain I cheerfully take full responsibility.

F. W. W.

CEDAR FALLS, IOWA  
December, 1942



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**THE GROWTH OF  
AMERICAN NATIONALITY  
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## Chapter One

### THE AGE OF DISCOVERY

ON OCTOBER 12, 1492, the red-headed Christopher Columbus, clad in armor draped with a crimson robe, landed upon an island in the Bahamas which he christened San Salvador. Unconscious of the epoch-making importance of his discovery—mistaken in his belief that he had reached the East Indies—this Genoese navigator in the service of Spain was bringing to the ken of Europe the existence of a new world.

That Columbus discovered the Western Hemisphere in 1492 is clear; who he was, and what the dominant motive of his expedition, is still debatable after four and a half centuries. Thus, in this first major event of incontestable authenticity in American history, we find uncertainty in such abundance as to constitute a warning to all students that the veracity of a fact is not established merely because it is in print, and that the study of history must be approached with critical open-mindedness.

*Christopher  
Columbus*

Little is known about Columbus' early life, partly because of the contradictions in his own writings concerning it. In consequence, scholars have been able to claim with plausibility that his country of origin was Spain, Portugal, or France, and, even, that he was of Jewish descent. Be that as it may, it seems reasonably certain that he was born, in 1451, of humble parents in Genoa.

Was Columbus the first white man to "discover" America, as the Western Hemisphere later came to be known? The question remains an open one. About the year 1000, roving Norsemen in high probability landed somewhere between Labrador and the Hudson River. Greenland had been colonized by these bold seafaring people about fifteen years earlier. But if Leif Ericson and others explored "Vinland," on the mainland of America, they left no indisputable landmarks, and the legends of the discovery

*The  
Norsemen*

## 2 THE GROWTH OF AMERICAN NATIONALITY

rest upon sagas written evidently long afterwards. One thing is certain: if the Norse knew America they made no more lasting impression upon its history than would a pebble cast into the ocean.

*Background  
of discovery*

Why did Columbus sail westward upon an uncharted ocean? His motives are still open to conjecture; but in a broader sense the answer is to be found in the adventurous spirit of an age when Europe was undergoing a remarkable transformation, widening its intellectual and physical horizons. Following the disintegration of Charlemagne's empire in the ninth century, Europe was in the grip of reactionary feudalism. Every man was a law unto himself in so far as his strength permitted, and the unfortunate masses were bound to the earth in harsh serfdom. Only the Christian Church kept alive the spark of learning; only the Church served to bind the discordant, warring territorial factions of Europe into a semblance of unity.

*The  
Crusades*

A powerful influence in the breaking of European stagnation and, in turn, leading to expansion which eventually carried to the Western Hemisphere, was the Crusades (1095-1291). Undertaken for the ostensible purpose of driving the infidel Turks from the Holy Lands, these crusades drew from Europe tens of thousands of half-savage men, many of whom were motivated by no higher purpose than the enjoyment of an adventurous lark. The first crusaders quarreled, fought, plundered towns, and took back to Europe the products of a civilization far superior to their own—articles of luxury produced in the Near East or brought there from India, China, or the Spice Islands. Silks, damasks, tapestries, cottons, brocades, oriental rugs, Damascus steel, porcelains, rubies, diamonds, pearls, perfumes, spices, and many other articles were like wine to the jaded appetite of a drab Europe. What romance in a dash of perfume when, in a day of poorly heated houses, it might take the place of a bath; how grateful the camphor and opium to dull the edge of bodily infirmities; and what possibilities in spices—cloves, allspice, ginger, nutmeg, cinnamon, mace, and pepper ("grains of paradise" the English called it)—to make more palatable the monotony of dishes which might acquire an unwanted flavor in an age that knew no refrigeration except the cold of winter!

More significant for Europe than the spiritual implications of the Crusades, therefore, was the acceleration of commerce between Europe and Asia—commerce which already was reviving. Such trade was a feature of ancient Greek and Roman times, but was almost entirely destroyed by barbarian invasions of the fifth century, and the subsequent conflicts between Christians and the followers of Islam. During the crusades, Venice, Genoa, and Pisa took advantage of their convenient location, furnished transportation for crusaders, and kept a sharp eye open for economic profit. Thus Italian merchants were soon conducting a profitable business in oriental products, for which there was a growing demand in Europe. For example, the Venetians were able to sell annually over 400,000 pounds of pepper which they purchased from the sultan of Egypt.

*Growth of  
commerce*

Luxuries at first acquaintance, these Eastern products were soon considered necessities by Europeans who could afford them. But the cost was high because the long journey by water or overland by caravan, with its dangers from brigands, was expensive.<sup>1</sup> Moreover, as we have just indicated, the merchants of Italian cities (Venice, Genoa, Pisa, Florence) were middlemen who took their toll. As early as 1300, Europeans were beginning to feel the serious effects of an adverse balance of trade. The commodities which they had for exchange, such as tin, copper, lead, soap, and woolen goods, were of little relative value, and for the most part were too bulky for the long journey. Gold and silver were thus being drained away. In an age when business was transacted in specie, rather than checks and paper, the inability of the mines to offset the decline was doubly serious. Makeshifts for increasing the supply, such as counterfeiting, clipping, and an increased use of alloy, were resorted to. Jew-baiting became the practice in some places. The medieval Church considered the taking of interest as a mortal sin, consequently money-lending was closed to Christians. Jews, therefore, dominated the business, took heavy risks, and accordingly charged interest rates ranging from ten to

*European  
economic  
problems*

<sup>1</sup> There were three principal trade routes. One, the southern, by way of the Indian Ocean and the Red Sea, then overland to Alexandria. Another through the Persian Gulf and overland to Antioch or Jaffa on the Mediterranean. The northern route was overland from China to the Caspian and Black seas, thence to Constantinople.



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forty per cent or even more. Stirring up sufficient hatred to relieve them of their money was a relatively easy matter. The wealth of the Moors gave point to their final expulsion from Spain after the conquest of their last stronghold, Grenada, in 1492.

*Marco Polo* Until the fifteenth century little was known in Europe of the Orient. Few men had returned after venturing there. In 1298 a Venetian merchant, Marco Polo, dictated an account of his long residence in the Far East, a land, as he pictured it, of such wealth that the imagination of Europe was fired with an enduring desire to taste its riches. People who were cut off from the Italian-dominated Mediterranean were especially concerned. Would it be possible to find a new route to the fabulous treasures of the Indies?

*Forces in a changing world* Several forces combined to introduce the age of adventure and discovery. The cultural contacts resulting from the crusades helped produce the Renaissance with its mighty intellectual impulse. New inventions reflected the breaking of the bonds of an age of stagnation. Gunpowder helped destroy feudalism; the printing press tended to dispel ignorance; the secret of the compass was learned from Arabs in the twelfth century; and the astrolabe for determining latitude was in use by 1400. Not long thereafter tables and clocks were being used to enable mariners to determine longitude as well, and by 1450 the known parts of the world had been carefully mapped.

*The national state* But however impelling such forces may have been, it remained for the national state to provide the necessary resources for carrying out the great work of discovery and colonization. National states, rising upon and because of the forces that destroyed feudalism—the growth of towns and of commerce, and with them an increased royal revenue which made the king less dependent upon knights, the use of gunpowder which could demolish castle walls, the consolidation of races, and the growth of national languages—were taking definite form by 1400. These were England, France, Portugal, and Spain, and all contributed to the profits of Turkish middlemen and of Italian merchants who dominated the Mediterranean. Facing the Atlantic, they hoped to find a new route to the Far East in order to enjoy the economic advantages monopolized by the Italians.

This breakdown of medieval feudalism, and the accompanying rise of unified national states, was marked by great economic alterations, among which was a change in commercial relations so pronounced as to be called the "commercial revolution." Medieval commerce was dominated for the most part by city guilds and feudal lords; in the change to the modern age, control of commerce shifted to the national state, and was characterized by private initiative and competition. Lasting from the fifteenth to the eighteenth century, the turning point in this revolution was the maritime discoveries which brought most of the world to the ken of Europe, and thus enormously enlarged the scope of economic activity. The consequences of this change—ushered in by early Portuguese and Spanish discoveries, and strikingly apparent in the sixteenth century—we shall note presently.

*Beginning  
of the  
"Commercial  
Revolution"*

Taking the lead in the great work of discovery was tiny Portugal, and the soul of the movement was Prince Henry "the Navigator," son of King John I. While engaged in fighting the Moors, Prince Henry heard rumors of a land in the heart of Africa where these people secured gold, ivory, and slaves. With Christian zeal and a burning desire to know what lay beyond the horizon, Prince Henry devoted his abilities and wealth for the remainder of his life (1417–1460) to the problems of navigation. He was keenly alive to the possibilities of extending his country's trade, and the success of his explorers in founding posts and opening new markets contributed measurably to the growing importance of the little kingdom.<sup>1</sup>

*Prince  
Henry  
of Portugal*

At Sagres, on Cape St. Vincent, the Prince established a school of navigation where new maps were made and all problems of seamanship studied. He fitted out expedition after expedition, probably hoping that a new water route to the Far East might be found. Pushing farther and farther along the African shore line, his mariners reached the slave coast, and in 1441 inaugurated a profitable trade in "black ivory." Thereafter for several years the

<sup>1</sup> An object of many explorers, probably including Prince Henry, was to find the legendary kingdom of "Prester John," a Christian ruler supposedly living somewhere in the dim East. The story gained credence in the twelfth century and persisted for many generations. King John II of Portugal, at the end of the fifteenth century, still felt obligated to establish communications with this elusive sovereign.

*Diaz and  
da Gama*

work of exploration was sidetracked by the traffic in human lives, but five years before Henry's death the Cape Verde Islands were discovered. The work he began was continued in subsequent years. Finally, in 1486, Bartholomew Diaz rounded the Cape of Good Hope. Twelve years later Vasco da Gama reached Calicut, India. In 1499 he returned to Portugal, having lost half his ships and over half his men, chiefly because of scurvy, but the cargo of spices and precious stones which he brought back was valued at many times the cost of the expedition. The long-sought all-water route at last had been found, and the wealth of the Indies was within the reach of western Europe at a fraction of the cost by the way of old routes.

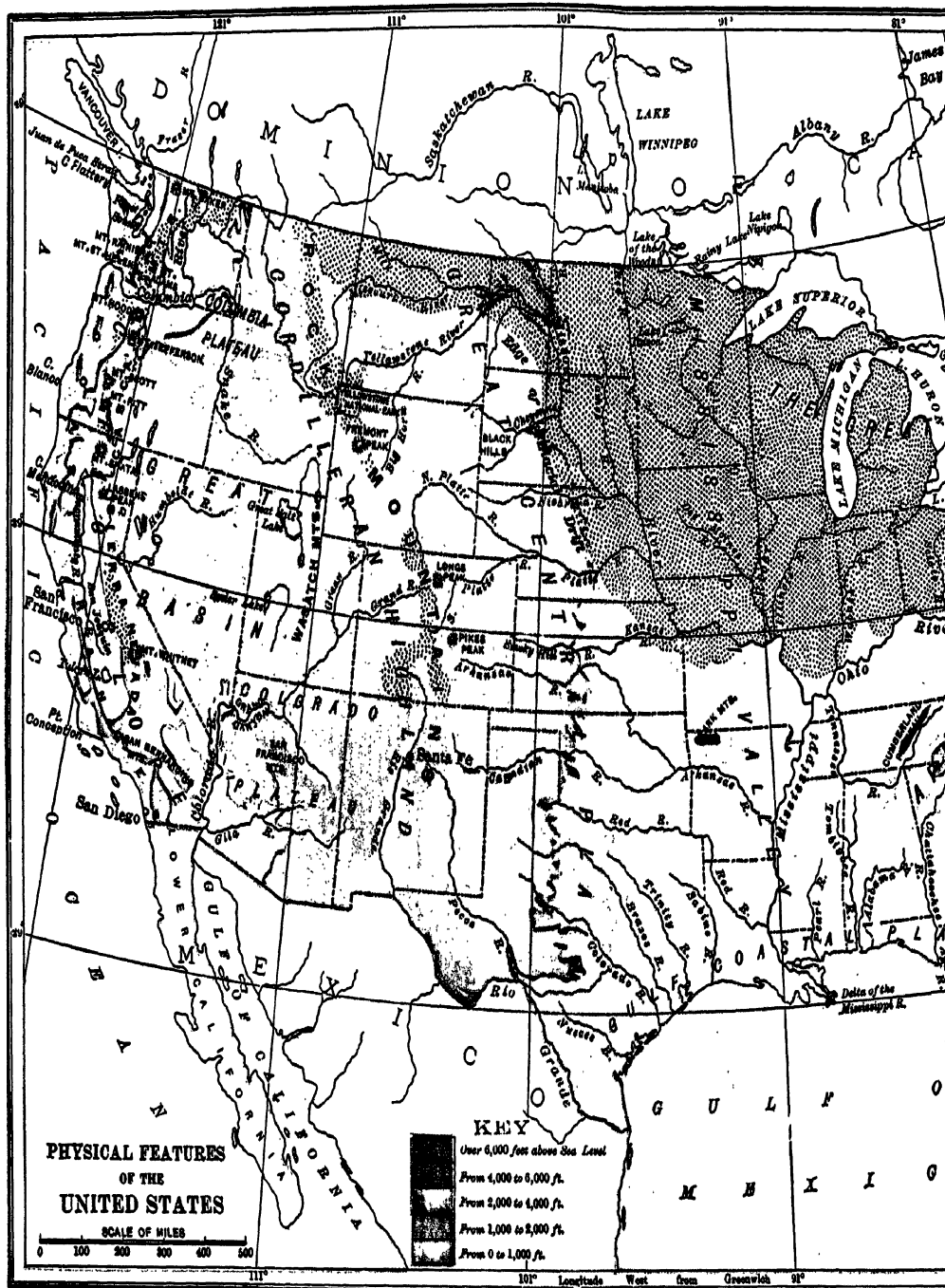
*Columbus*

Six years before da Gama touched India, Christopher Columbus, by sailing westward, had discovered a new world, although he died believing he had reached the Indies. Just what Columbus' principal motive in sailing westward may have been has long been in controversy. In all probability it was to find the Indies. However, the old explanation—that he was seeking a new way to the Indies because the Turks, having captured Constantinople in 1453, had cut off the trade routes—is untenable. Actually, in the face of an increased European demand, the price of spices had declined during the fifteenth century; moreover, one of the most important routes (the one by way of Alexandria) was not under Turkish control before 1517. Whatever Columbus' motives, he was unable to secure from the king of Portugal the necessary vessels and equipment for his voyage into an uncharted sea. He then turned to Spain, but for several years was no more successful. Then in 1492, the Moors in Grenada having been beaten, Ferdinand and Isabella granted his request. He was to be admiral of the "Islands and mainland" which he might discover, and in addition should have one-tenth of all the gold and silver which he might find. Three small ships were fitted out, and the epochal voyage began on August 3, 1492.

There was nothing original in the idea that the world was round and that the Indies might be reached by sailing westward. But whether Columbus, from his own scientific calculations, arrived at the conclusion that land could be found in the west, or whether the idea was suggested to him, is still debatable. The









Greek astronomer Eratosthenes (276–196 B.C.) had even calculated the Earth's circumference with a fair degree of accuracy. But there were other scientists who believed it to be much smaller. Columbus, therefore, was able to argue with plausibility that the Indies were not far distant toward the setting sun.<sup>1</sup> As previously mentioned, the Norsemen had a story of a "Vinland" in the west, but there is no proof that he had heard it. Whatever influences may have motivated his famous expedition, his greatness lies in the persistence with which he clung to a bold scheme, and the courage with which he carried it out. Nor is the magnitude of his achievement lessened by the fact that the new world was discovered purely by accident in 1500 when the Portuguese, Cabral, whose fleet was driven from its course on the way to India, touched Brazil.

When Columbus returned to Spain with his half dozen "Indians," gorgeous parrots, and stories of "mermaids" and of natives who smoked *tobaccos*, Spain hastened to seek papal confirmation of her claims to the newly discovered lands. The worldly Pope Alexander VI, himself a Spaniard, was willing to comply, and by papal decree (1493) a "Line of Demarcation" was established 100 leagues west of the Cape Verde Islands. West of this line Spain was to have all lands that might be discovered, unless belonging to a Christian prince, as well as exclusive rights of trade. Dissatisfied with the boundary, Portugal sought and secured a treaty with Spain (1494) shifting the line to the longitude of 370 leagues west of the Cape Verde Islands—each to keep out of the other's preserves. The new line left a great share of Brazil to Portugal.

*Line of  
Demarcation*

When Ferdinand Magellan, in the most remarkable voyage in the annals of the sea, circumnavigated the globe, "east" and "west" became relative terms.<sup>2</sup> It then became necessary that Spain and

*Magellan  
and the  
Philippines*

<sup>1</sup> Whether the Florentine astronomer, Toscanelli, actually wrote to Columbus telling him the distance to China via the Atlantic was only about 4000 miles is not an indisputable fact. The letters may well have been forgeries of a later day designed to prove that Columbus was seeking the Indies. Recent scholarship, however, inclines toward their authenticity.

<sup>2</sup> Magellan was a Portuguese sailing for Spain for the purpose of finding a strait through America by which the Indies might be reached. He left Spain in September 1519 with five ships. A year later he discovered the strait that bears his name. Thirty-eight days were required to thread the strait, and three months



Portugal decide where the line of demarcation should be established in the Pacific. If the line of 1494 had been extended around the globe, the Philippines as well as the Spice Islands would have fallen to Portugal. Actually the Philippines were on the Portuguese side of the line established in 1529, but Spain remained in possession of them; and for that reason they became the property of the United States 369 years later.

*Balboa and  
de Leon*

The great wealth of the Indies, which Columbus reported on his return to Spain in 1493, did not materialize on his three subsequent voyages (1493, 1498, and 1502), but greedy adventurers were stimulated to further exploration and conquest in search of gold. One of them, Balboa, cut his way across the Isthmus of Panama in the summer of 1513, and was the first European to view the "South Sea"—the "Pacific" as Magellan later named it. In the same year Ponce de Leon, the first governor of Porto Rico, seeking gold and the fountain of youth, discovered Florida.

In 1519-1522 Hernando Cortez, the greatest of the Spanish conquerors, defeated the bloody, flower-loving Aztecs, captured their emperor, Montezuma, and their capital (now Mexico City), seized great stores of gold and silver, and reduced the vanquished to serfdom. Perseverance, audacity, and rare leadership on the part of the Spaniard were abetted by an Indian legend concerning the return of the "Fair God." Others, trying to emulate the exploits of Cortez, pushed far to the South and North. Francisco Pizarro in his conquest of Peru (1532-1538) despoiled the Incas of fabulous treasures in gold and silver, and Coronado (1540-1542), pressing northward in search of the "seven cities," discovered the Grand Canyon of the Colorado, then turned eastward as far as Kansas, returning empty handed. At the same time Hernando de Soto, wandering through the Mississippi Valley, came upon "the great river" at Chickasaw Bluffs (Memphis) in 1541, only to be buried in its depths the following year.

*Spanish  
contributions*

Spanish activities were not confined to the search for treasure and the destruction of natives in order to secure it. Much that was constructive went into the creation of the greatest empire the

additional to cross the Pacific. Food ran so low that rawhide, soaked for four or five days in salt water, was eaten, and rats sold for half a ducat apiece. Magellan was killed by natives in the Philippines. Only one of his vessels completed the voyage around the world (the first to do so), returning after three years' absence (lacking thirteen days) with a cargo of spices which paid the cost of the expedition.

world was to know prior to the nineteenth century. By 1600, before England or France had established a single permanent colony in the new world, Spanish control extended over an area twenty times larger than Spain itself, and containing over 200 cities and towns. The city of Mexico as early as 1575 had a Spanish population of 15,000 and probably ten times as many Indians. Its university—the first in America—was opened in 1554. (It was the Spanish who introduced horses, cattle, mules, sheep, and swine; apples, pears, apricots, and citrus fruits; wheat, rice, rye, and barley; cotton, sugar cane, beans, peas, and alfalfa. Something else they also introduced—an institution to curse America for centuries to come—Negro slavery. Enforced labor rapidly decimated the Indians of the West Indies. Negroes took their place, the first arriving about 1503—116 years before the first slaves were landed at Jamestown.

The Spanish, unlike the English, did not drive the Indians before them. Instead, they were Christianized and reduced to a status of near-serfdom. Because Spain was not in need of an outlet for her population, most of the migrants were single men seeking adventure. Racial barriers hardly existed, and intermarriage with Indians was common. Under the elaborate system of Spanish control, no self-government was permitted. Everything was directed to the glory of Spain and of the Catholic Church. After 1555 only native Catholic Spaniards were allowed to go into the colonies, and all commerce was under government control. For approximately two and a half centuries, beginning in 1503, all trade with the colonies was required to be conducted by Spaniards in Spanish ships. Twice a year a merchant fleet was escorted under convoy to and from the colonies. Vera Cruz was the only port of entry for New Spain (Mexico). The arrangement worked great hardship upon the colonists, especially those who lived at a distance from the ports of exchange, and led in time to an extensive contraband traffic in which the English and the Dutch were the chief beneficiaries. For these seafaring peoples of the north had come to respect nothing that was Spanish except force.

*Spanish  
colonial  
system*

When the rulers of Spain and Portugal, with the blessing of the Pope, divided the colonial world between them, they disregarded the possible interests of other kings, including Henry VII of England. Henry was the first of the royal line of Tudors—sover-

*Henry VII  
of England*

*John Cabot*

eigns who showed great capacity for independent thought and action. He became King at the close of the War of the Roses in 1485, and busied himself with the problems of creating a powerful nation through the enlargement of commercial opportunities for the English. If exploration could be indulged at little cost Henry was willing to give approval. So it was that John Cabot, a naturalized Venetian residing in Bristol, commanded an expedition fitted out by merchants of that place for the purpose of exploring the wealthy portions of Asia, which Cabot believed Columbus had not touched. In 1497 he made landfall somewhere in the region of Newfoundland, then hurried home because of a shortage of provisions. On the basis of this discovery England later laid claim to the continent of North America, but the immediate effect was not great, and colonization was not attempted for three-quarters of a century. Cabot's reward from the parsimonious Henry was £10. A second expedition having failed, the king turned his attention to other matters. Exploration was a game only for kings, but Henry was not disposed to waste money on distant projects which offered little promise of early returns.

Indeed, England was not then a seafaring nation, much less mistress of the seas. She produced much wool for export, in a day when silk and cotton were luxuries enjoyed only by the individual of means, but her trade was still largely in the hands of foreigners. The Portuguese and Spanish were destined to develop and dominate colonial commerce for over half a century before the English should either challenge Spain on the ocean or contest with her the control of North America.

*Changing  
economic  
conditions*

Meanwhile the "commercial revolution" was working changes which were to have a profound effect upon the economic and political fortunes of Europe. After the discoveries of the Portuguese and Spanish, the center of commerce gradually shifted from the Mediterranean to the Atlantic coast. The spices and other products of the Far East for the most part no longer passed over the old routes but were carried by the Portuguese around the Cape of Good Hope. The Italian cities quarreled while their trade with the East was further endangered by the advance of the Turks. At the same time, internal dissension weakened the Hanseatic cities, such as Lübeck, Hamburg, Bremen, and Cologne. But the

Dutch towns of Bruges and Antwerp prospered, and the old Baltic commerce similarly shifted to the Atlantic.

To the great envy of the rest of Europe, Portugal and Spain imported vast quantities of goods from their colonies. However they made little effort to control their distribution in Europe. Merchants of other countries conducted the continental portion of the trade and took most of the accompanying profits. Similarly, a great share of the enormous stores of silver and gold which the Spanish began importing soon after 1500 filtered through their hands to enrich other countries which supplied Spain's growing demand for goods of many kinds. By 1550 London was becoming an important center of trade, and shortly thereafter intrepid English sea captains, feeling the flush of nationalism which the Tudors encouraged, were boldly cutting into Spanish commerce, sometimes paying for their daring by imprisonment, torture, and hanging.

Much had happened since the time of Cabot's discovery to change the course of events in England, and in Europe. Henry *Henry VIII* died in 1509, leaving to his son, Henry VIII, the best filled treasury in Europe. Bluff King Hal was a man of parts. He was a musician of talent as well as one of the best wrestlers in Christendom. With his boundless energy and capacity for spending money much might have been accomplished in the furtherance of colonial enterprise, but his attention was taken up largely with political, ecclesiastical, and matrimonial affairs. However, like his father, he gave great encouragement to the construction of ships and the training of sailors, and effected the momentous change from an ancient to a modern navy. And withal, like his father and his great daughter, Elizabeth, he was stimulating the growth of nationalism against the day when England should be ready to carve out for herself an empire. The foundations of British sea power were being securely laid—also the foundations for long-standing enmity with Spain.

In 1527 Henry sought an annulment of his marriage with Catherine of Spain. One of his desires was a male heir—no woman had yet reigned in England. The Pope, although heavily indebted to Henry for services rendered, would not agree that the marriage was invalid and hence should be set aside. Moreover, he was in *Origin of Spanish rivalry*

no position to grant the request, for he was a prisoner of Charles V of Spain.<sup>1</sup> The outcome was the separation of England from Rome. As head of the Church in England, Henry got his "divorce" through a pliant ecclesiastical court, and with it the hatred of a grievously insulted Spain. Thus far there was no change in the doctrine or ritual of the Church, but the appearance, sooner or later, of a separate Church of England it seems was inevitable. The ideas of the Reformation already were filtering into England, and there was widespread antipapal feeling. Moreover, one aspect of the Reformation was the nationalization of the Church which, thereby, became everywhere in Christendom the instrument of the lay prince. The strong-willed Henry was not one who would let slip any opportunity to enhance the royal prerogative. Persecution of the clergy and the confiscation of church property were popular. After the separation from Rome, Protestant doctrines gained in favor in spite of Henry's tyranny, but not until after his death did the Church of England become Protestant.

Mary and  
Elizabeth

Mary Tudor, daughter of Catherine and the second child of Henry to wear the crown (1553-1558), did all in her power to heal the breach with Rome, and even married Philip II of Spain, the great champion of Catholicism throughout Christendom. Her successor, Queen Elizabeth, had practically no choice in the matter of religion, and England became officially Protestant. To be great, England must have peace at home, and religious uniformity was necessary for peace in the age of the Reformation. The religious aspect of Spanish rivalry was becoming one of the most compelling forces leading toward war. After Elizabeth's excommunication by the Pope in 1570, some Catholics with the approval of Philip II were willing to help her die in order that Mary Queen of Scots, a Catholic, might accede to the throne. Englishmen, conscious of a rising national spirit, struck back at Spain; for in defending their religion and their queen they were also defending the unity of England and its government.

<sup>1</sup> In 1512 Henry had fought France in defense of the papacy. Then, when Martin Luther in 1519 flung his challenge to the Church, Henry seized his royal pen and in language uncomplimentary to Luther wrote a *Defense of the Seven Sacraments*. With heat, Luther replied to "this damnable and rotten worm," and the spadework for English opposition to Lutheranism was done. The Pope appreciated Henry's defense to the extent that he conferred the title, "Defender of the Faith"—a title which English sovereigns still bear.

The day of the Elizabethan "sea dogs" was at hand. These bold, dashing freebooters and buccaneers, neither fearing Spain nor respecting her colonial monopoly, welcomed the chance of furthering God's kingdom on earth and of increasing their own fortunes by smiting Catholic Spaniards and taking their treasures. Indeed, some of them had gone into training several years earlier. The first of the famous "sea dogs" was Sir John Hawkins who seized the opportunity for rich returns in the Spanish-controlled slave trade of the whole Caribbean region. His profits from the first trip (1562) netted sixty per cent. Two years later he was off again with four ships, one of them, the *Jesus*, lent by Elizabeth who took shares in the venture. Hawkins was a pious man with philanthropic motives. For was he not saving the souls of pagan Africans by committing them to the care of Christian planters who could not prosper without cheap labor! He could record in his journal his gratitude that, when about to fall into the clutches of the Spaniards, "Almighty God, who never suffereth his elect to perish, sent us the ordinary breeze." On his third voyage (1567-1568) he and his young kinsman, Francis Drake, narrowly escaped with their lives when "treacherous" Spaniards with a fleet sent by Philip II attacked them at Vera Cruz.

Hawkins

Thereafter, for a while, the dashing Drake sought revenge by boldly attacking Spanish towns in the West Indies. Then in 1577 he launched upon one of the most daring raids in history. With a small flotilla fitted out through the connivance of the Queen, he sailed through the Straits of Magellan into the Pacific where no Englishman had ever been and where none was expected. For that reason he was able, with his one remaining vessel, to loot ports and treasure ships along the western coast north to Panama.<sup>1</sup> Because he was afraid to return home by the way he had come, he sought a passage to the East, landing in time on the California coast;<sup>2</sup> then he crossed the Pacific, took on spices, and so to England by circumnavigating the globe. When in 1580 he finally arrived in England the Queen accepted her share, well over a million dollars, and then in defiance of the King of Spain, who demanded

Drake

<sup>1</sup> His last haul netted thirteen chests of money, eighty pounds of gold and jewels, twenty-six tons of silver, and much else besides.

<sup>2</sup> Drake fixed to a "firm poste" a brass plate as evidence of England's claim to the coast. In 1936 the same plate (apparently) was found near San Francisco Bay.

Drake's head, knighted the gallant captain on his quarter-deck.<sup>1</sup> For Spain there was only one course left open if her commercial empire were to be saved from the assaults of the English, and that was war. Britain's answer was the defeat of the Spanish Armada in 1588. Thereafter the history of Spain is a story of decline.

*Seeking a  
northern  
passage*

Meanwhile both the French and English had attempted to find a northern passage to the Indies, and to found colonies in America. For a few years after Cabot's voyage further attempts were made to discover a northwest passage, then interest shifted to the possibility of finding a northeastern route. In 1553 three ships under the command of Sir Hugh Willoughby were sent out by an English trading company (Muscovy) which was organized to undertake the venture. In a storm off the coast of Norway the ship of Richard Chancellor, second in command, was separated and so escaped the grim fate that overtook the others. To a man they perished in the bitter cold of winter. Their bodies were found the following summer by Russian fishermen.

This failure turned attention once more to the northwest. In 1576 Martin Frobisher thought he had found the long-sought passage, but the discovery of ore which was thought to contain gold temporarily sidetracked English interest. Subsequent expeditions by John Davis (1585-1587) and Henry Hudson—set adrift in a small boat, June 1612, in the bay which bears his name—failed to disclose a sea route which, as we now know, did not exist.

*Fish, and  
French  
interests  
in America*

Search for a passage was coupled with random efforts at colonization. The voyages of John Cabot disclosed the Newfoundland fisheries, where codfish were so numerous, said his son Sebastian, that he had hard work to force his vessels through. For Catholic Europe it was a welcome discovery, the importance of which was soon emphasized by the rivalries of fishermen from England, Spain, Portugal, and France. This first interest of France was followed

<sup>1</sup> Although Hawkins and Drake are the most famous of the "sea dogs," there were many others, such as John Oxenham, John Ranse, Thomas Cavendish, and Richard Grenville. Grenville it was who in 1591, in command of the *Revenge* with 100 men, fought fifty-three Spanish ships to a standstill for more than twelve hours, accounting for over 1000 Spaniards. In all naval history there is no more stirring exploit.

by the voyage of Verrazano (1523-1524), and three by Jacques Cartier (1534-1541). On his third voyage Cartier founded a settlement a few miles above the present Quebec. This colony failed, as did the French Huguenot efforts at colonization in Brazil and Florida between 1550 and 1565. The energies of France were taken up with fighting for her existence, and with a series of internal religious wars, until the end of the century.

Believing that the founding of a colony in Newfoundland would serve the double purpose of half-way station to Asia and exploitation of the fisheries, Sir Humphrey Gilbert sought permission from the crown to make the attempt. Queen Elizabeth in 1578 granted a patent accordingly, but the first expedition in the same year was broken up by the Spaniards, and the second (1583) ended in failure, Gilbert going down with his ship, the ten-ton *Squirrel*, on the return voyage. So ended the first English efforts at colonization in America. Walter Raleigh, half-brother of Gilbert and associated with him in his venture, then undertook to carry on the work of colonization. His primary object was gold, the finding of which he hoped would enable England to rival the success of Spain. In 1584, having secured a renewal of Gilbert's patent, he sent two ships to explore the Atlantic coast for a favorable site. The outcome was the discovery of Roanoke Island, a locality that was described so attractively as to win knighthood for Raleigh and the name "Virginia" for the region. The next year Raleigh sent Sir Richard Grenville and Ralph Lane with 106 men to plant a colony. After Grenville returned to England, Governor Lane and his men spent most of their time seeking gold. In 1586 war broke out with the Indians. Soon Drake appeared, and the men departed with him. About two weeks later Grenville returned with men and supplies. Fifteen were left to retain possession of the region "which Englishmen had so long held." What became of them is not known.

*Gilbert  
and  
Raleigh*

In 1587 Raleigh tried again. Governor John White headed the expedition which consisted of 117 men, women, and children. He had been directed to pick up the fifteen men at Roanoke and then proceed to the Chesapeake region. Unwisely the newcomers remained at Roanoke where from the first they had to face the hostility of Indians. On August 18, two months after the arrival

*The "lost  
colony"*



in America, a daughter was born to Eleanor and Ananias Dare—the first English child born in America. She was named Virginia. A week later Governor White sailed for England to secure supplies, arriving to find all energies directed toward defense against the threatening Spanish Armada. Not until August 1591 could he return to Roanoke. Hardly a trace of the settlers remained—only the word “Croatoan” carved on a post—and to this day the fate of the “lost colony” remains a mystery.<sup>1</sup>

*The Indian*

The Indians, whose enmity had been roused by the first settlers, probably proved the insurmountable obstacle for this first serious attempt at colonization by the English. And so through succeeding years, until the continent was spanned by westward-pushing frontiersmen, the Indian appeared as an obstruction rather than as a contributing factor in American civilization. In the case of Englishmen, unlike the Spanish, racial barriers and contrasting ways of life made amalgamation impossible. The weaker race was therefore dispossessed, but not without a struggle so stubborn and cruel as to aid materially in the development of the sturdy qualities which characterized the resourceful frontiersman.

*His way  
of life*

At the time of discovery the Indian population north of Mexico was probably not more than a million, but the “red men” were so widely scattered that white men ran into them everywhere. Within the present limits of the United States there were fifty-one linguistic families (six of them east of the Mississippi), some of which contained several tribes. The principal tribes of the Algonquin family were thirty-five in number. Whence and when Indians came to America nobody knows. They showed a considerable variation in size and in shades of color. All were brown. The “red Indian,” except in war paint, did not exist. None had risen above barbarism. The dog was their only domesticated animal; they knew nothing of the wheel and axle or of iron, although copper was used to a limited extent. East of the Mississippi they

<sup>1</sup> “Croatoan” was the name of a near-by, friendly tribe of Indians.

In September 1937 a stone was found on the Chowan River in North Carolina, on one side of which, inscribed in Elizabethan English, is a brief account of the purported wanderings and the murder by Indians of all the colonists except seven. About four miles distant another stone was found with the names of those massacred. Shortly thereafter, to the embarrassment of several historians, such a shower of additional stones turned up as entirely to discredit the authenticity of them all.

lived in small villages, their dwellings commonly shelters of brush, bark, and skins. Although their life was sedentary rather than nomadic, agriculture was of secondary importance in their economy. The deer was the chief animal food of eastern tribes; the buffalo on the Great Plains. Although agriculture was of great consequence wherever soil and climate were favorable, it was practiced most extensively by the tribes of the southeast. By far the most important thing grown was maize. Wild rice took its place along the Great Lakes and the St. Lawrence. Beans, squash, and tobacco also were common, and maple sugar was produced for a touch of sweetening. Because physical labor was degrading, agriculture was left to the women. The braves spent their time hunting, fishing, fighting, and eating. Considering the importance of the chase, such a division of activities was perhaps not unfair. It simply was not the self-respecting white man's way of life.

The Indian's gifts, particularly maize, were great, and in still other ways a few early colonists, when motivated by the true Christian spirit, were materially aided by these "first Americans." But the greatest contributions to American life—racial heritage, language, culture, religion, and institutions of government—were not only European but were hardly touched by Indian influence. Excepting geographic conditions, the background of American history is European rather than American.

■

## Chapter Two

### VIRGINIA AND MARYLAND

*James I  
and peace  
with Spain*

IN 1603 the first of the Stuarts, James I, succeeded Elizabeth as monarch of England. The next year peace was made with Spain, and with it were removed such obstacles to colonization as war and a long preliminary period of buccaneering rivalry had presented. If the Tudors had been greatly interested in America, an abundance of arguments and motives favoring new-world settlement could have been found as early as the middle of the sixteenth century. For example, England might solve her unemployment problem by deporting her poor, and secure in America the raw materials which otherwise must come from European countries. But the problems that most concerned the Tudors were European; and so when gold—the commodity which made Spain's power the envy of Europe—was not to be had for the taking in North America, Englishmen took it from Spanish treasure ships instead. Moreover, until England was in great need of many raw materials, the economic ideas of the age engendered little enthusiasm for colonies which might not directly benefit the mother country. The landed gentry, for instance, wanted no competition for their grain. The most that any English sovereign would do in aid of colonization was to confer a patent and the royal blessing.

*England's  
colonial  
secret*

*Insular  
position*

England did not seriously enter into the work of colonization until the beginning of the seventeenth century—over a century after the discovery of North America and the founding of successful colonies by the Spanish—yet of all European nations she was most successful. Several factors help explain England's colonial secret. In the first place, her insular position provided comparative safety from European enemies. Not since 1066 has a foreign enemy been able successfully to invade the islands. Because of this same relative isolation, Englishmen have been compelled to place their

trust in ships rather than an army; and it is naval power which has enabled a nation to spread its dominions beyond the seas. Freed from the danger of invasion, Englishmen were able to work out their own political, religious, and economic problems without uninvited outside interference. Under the Tudors national solidarity was achieved earlier than upon the Continent. The political power of the old feudal nobility and of the monopolistic Church was broken, and in their stead appeared a national church and a new nobility in which middle-class men of trade and commerce were prominent.

During these same years England escaped the internecine wars of politics and religion which racked the Continent, meanwhile making progress along the road of representative self-government. For however strong an English monarch might be, he was still accountable to Parliament. The day was not far distant when a Stuart king would be required to answer with his life to this same body, nor when the sovereignty of Parliament would become a reality. England's great rivals smothered representative beginnings at home and imposed upon their colonies a paternalistic regime which in the long run proved less successful than the English way. Meanwhile the English foreign policy was to aid that European country which at any given time was resisting the chief rival of English naval power. As Elizabeth had helped the Dutch against Spain in the seventeenth century, so England gave assistance to Prussia against France in the eighteenth.

*Growth of  
Parliament*

Aside from political and geographic considerations, the most striking peculiarity in the English way of colonization is the highly significant fact that it was carried out by private initiative rather than being directed and controlled by a paternalistic government. Perhaps equally significant was the role of English women who were well qualified to take their place with the men in conquering a wilderness. Unlike the Spanish and the French, who intermarried freely with the Indians, the English retained racial solidarity, and, exercising the rights and "liberties of Englishmen," prevailed where their interests led them.

*Private  
initiative*

By 1600, then, England was ready for serious efforts at colonization. Many and diverse motives—religious, political, and economic—lay behind the action. As a field for missionary enterprise, in a

*Motives for  
colonization*

(a) *Religious  
and political*

day when politics and religion were well-nigh inseparable, America appealed to churchmen and laymen alike as a fruitful ground for labor among the heathen. More significantly, persecuted religious sects, such as Puritans, Catholics, and Quakers, hoped to find in the new world a place of refuge where complete freedom of worship might be enjoyed. Political motives were in keeping with the economic philosophy of the age—that is, in furthering the wealth and power of the nation, commerce must be regulated in the interest of economic self-sufficiency—and were inseparably bound up with economic motives. Colonies, as a source of national supply, might greatly lessen dependence upon other countries and at the same time impose a check upon the great rival, Spain. The settlement of Virginia was an act of defiance as well as an economic adventure.

(b) *Gold, raw  
materials, etc.*

The hope of finding gold—the dominant influence in Sir Walter Raleigh's activities—and a waterway across the continent to the Indies died slowly. But before 1600 many Englishmen were interested in America as a source of raw materials also, and as a possible market for English goods. Why not themselves supply their entire needs in fish instead of purchasing over half from Holland? Why not secure all the necessary naval stores from America rather than incur the serious risks as well as the economic disadvantage of dependence upon the Baltic countries? Because England's safety depended upon sea power, it appeared doubly important that her navy be not placed at the mercy of another country. Encouragement of fisheries—the training ground for sailors—seemed particularly desirable if Britain was to rule the waves. And where was better fishing than in American waters?

(c) *Capital  
seeking in-  
vestment*

By 1600 England had a considerable amount of private capital seeking new fields of investment. Prosperity was in the air. Under Henry VIII much monastic property had been divided among members of a rising and aggressive nobility, and payments to the papacy were stopped. For years the expansion of industry and trade, particularly the development of the old woollen industry in an age when silk and cotton were luxuries, had been building up a wealthy middle class. Trading companies were reporting profits from adventures in different parts of the old world; why not try out the possibilities of the new?

Colonies seemed desirable as an outlet for a supposed surplus population and for unemployment. England's population was not a great deal more than four million, but the economic system of the time did not make adequate provision for the decent support of all. The dissolution of the monasteries and the conversion of farm lands into sheep pastures (enclosures) had turned adrift thousands of people, including many monks and nuns who previously had administered charity to the unfortunate. Between 1461 and 1603 half the manors of England were enclosed. The food supply therefore did not keep pace with population growth. Rising prices and wage-fixing aggravated the suffering of the poor. The price of wheat in 1600 was almost four times higher than in 1500. The wages of labor even for that day were on a starvation level. After 1530 social unrest had found expression in revolts so serious as to threaten the overthrow of the government. As a solution for the problem the Elizabethan poor laws proved only a makeshift. By 1600 England had an estimated 10,000 vagabonds and "sturdy beggars." Stimulated by abject poverty, harsh laws, unspeakable prisons, and filthy slums, crimes were abundant. To the minds of officials, transportation appeared as a remedy for such conditions. In 1604 the situation was further aggravated by the discharge of many soldiers and sailors.

(d) relief  
for surplus  
population

Finally, there was the urge of adventure and of pioneering, which was especially strong among the younger sons of the nobility who because of primogeniture missed both titles and estates and therefore turned to America. Virginia was pictured as a land of easy wealth where, according to the lines of the play *Eastward Hoe*, presented in London in 1605, gold was more abundant than copper in England, and diamonds and rubies could be picked up on the seashore "to hang on their children's coats and stick in their caps." There, too, "wilde boare is as common as our tamest bacon is here." Perhaps more widespread and compelling than any other single motivating influence was the desire for land. In the popular mind, social, economic, and political power was associated with the country estate which was a badge of nobility. The great increase in sheep raising had intensified the problem for thousands who were driven from the rural life they had known. Why might the poor man not rise in a new land to a position of

(e) Adventure  
and land  
hunger

equal importance and power? Many there were who were willing to test the possibilities in America.

*The agency  
for coloni-  
zation*

Sir Walter Raleigh was a wealthy man, but his expenditures in Virginia. (the equivalent of well over a million dollars in present-day values) proved that colonization must be a cooperative undertaking. Realizing this fact, Raleigh organized in 1589 a group of London merchants to carry on the work. But evil days befell the gallant gentleman. He lost standing at court; was charged with treason in 1603, and deprived of his rights in Virginia. But the agency for successful colonization was at hand. For half a century joint-stock trading companies of Englishmen had been organized and chartered for the purpose of exploiting the resources of various parts of the world.<sup>1</sup> Such a company was an association of merchants, lawyers, country gentry—anyone who would buy stock—the capital of which was jointly put to commercial purposes. The company built ships, engaged sea captains, handled merchandise, and divided the profits of the enterprise proportionally among the shareholders of the company. The main purpose was profits, and some companies did not disappoint their stockholders. The East India Company, chartered in 1600, was reputed to have yielded dividends of 100 per cent in one year. Might not Virginia likewise yield to successful exploitation? Many Englishmen were willing to find out.

*The Virginia  
charter  
of 1606*

In 1606 the merchants whom Raleigh had interested secured a patent or charter from James I, incorporating two Virginia companies, one for London and the other for Plymouth. The London Company was privileged to trade and colonize between the latitudes of 34 and 41, and the Plymouth Company between 38 and 45. In the region of overlapping rights (38 to 41) neither might make a settlement within 100 miles of the other. Both companies were organized purely for business purposes, but they might "lead out colonists" who were to enjoy "all liberties, franchises and immunities" of Englishmen at home. This did not mean that the colonists were to have self-government. King James was

<sup>1</sup> The Muscovy Company, chartered in 1553, enjoyed the exclusive right of European trade in Russia, and also exclusive right to bring Russian goods into England. Similar companies were the Eastland (chartered in 1579) with a monopoly in the Baltic, and the Levant or Turkey (chartered in 1581).

careful to retain ultimate control by creating a royal council to which a resident home council for each company (appointed by the King) was responsible. In turn, a local council, appointed by



EARLY VIRGINIA SETTLEMENTS

the company and residing in each colony, was given entire control over the colonists, subject to the company's council in England.

In December 1606, the *Sarah Constant*, the *Goodspeed*, and the *Discovery*, with men and supplies, set sail to found the first settlement for the London Company. Four months later (April 26, 1607) the sea-weary men sighted the capes of the Chesapeake. These they named Henry and Charles in honor of King James' sons. The promontory at the entrance to Hampton Roads they christened "Point Comfort," and the river beyond they named for the King himself. On May 24, 105 of the 144 men who started the voyage landed upon a small peninsula in that river about thirty miles upstream, and there founded Jamestown, the first permanent English colony in America.

*Jamestown  
founded*

Virginia in that most beautiful month of the year must have been a region of rare loveliness. So the gentlemen of the expedition found it as they roamed the vast parklike forests of oak,

*Virginia  
in 1607*



hickory, black walnut, and cedars, so free from undergrowth that a coach might be driven almost anywhere through them. It was a fairyland of flowers, of grapes and other wild fruits, of strawberries "four times bigger and better" than those of England, of clear streams teeming with fish, of song and game birds and wild animals in abundance. But nature with all its beauty was deceptive; most of the first settlers did not live to become acclimated to the new environment.

*The council  
and early  
difficulties*

Soon after landing at Jamestown, the sealed box of instructions was opened and for the first time it was known which of the gentlemen constituted the council. Captain Christopher Newport who commanded the expedition, Bartholomew Gosnold, Edward-Maria Wingfield, John Smith, John Ratcliffe, John Martin, and George Kendall were the ones so honored. Already trouble with the Indians had begun; much more of many kinds was to follow. Dissension in the council immediately appeared. Smith was deposed, then restored. Worse than Indians and quarrels in the council was the unhealthful location of the settlement. Jamestown was a low, mosquito-infested place which had no springs of fresh water, but none was dug until the following year. Meanwhile the James was the source of drinking water. Most of the men were laborers who had no interest in work that could be avoided. Discord, famine, and sickness demoralized the settlement. Some of the food that had been brought from England spoiled; starvation threatened. Wingfield was accused of taking more than his share of the "oatmeale . . . beef, eggs, or what not," and was deposed and imprisoned.<sup>1</sup> Gosnold died, and Kendall, charged with hatching a mutiny, was executed. In the autumn disaster was averted only when the daring Smith showed his capacity for trading with the Indians. Corn and wild meat then came in abundance from the now friendly savages.

*Captain  
John Smith*

In December, Smith went exploring up the Chickahominy and was seized by the savages. Pocahontas, a daughter of the mighty Powhatan, dramatically intervened (according to Smith's account, and actually quite in accord with the customs of Indian life),

<sup>1</sup> Wingfield had made charges against Smith and John Robinson. This resulted in the first jury trial in English America, September 17, 1607. Smith and Robinson were awarded damages.

and the doughty Smith returned to Jamestown only to be sentenced to hang for the loss of his companions killed by the Indians. The arrival of Captain Newport with the "First Supply" of men and provisions (January 4, 1608) on the eve of Smith's execution saved the warrior's life for still greater service to the colony. At that time only thirty-eight of the original settlers remained alive. That winter was unusually severe, and was followed by another summer of death. In the fall of 1608 conditions were improved because of the "Second Supply," which included artisans and two women (the first in the colony), and by Smith's presidency of the council. Early in 1609 Smith became sole councilor. He put the lazy ones to work, obtained food from the Indians, and saved the colony. But in October of that year, having been wounded by an explosion, the romantic man of action sailed for England. The following winter was the "starving time." Of the 500 in the colony when Smith left, only 60 famine-wasted wretches were alive when help arrived in May.

*The "starving time"*

That the colony came perilously near complete failure is not to be explained in terms of "gentlemen" who would not stoop to manual labor. Actually this element among the early settlers proved better frontiersmen than the unwilling laborers, many of whom were indentured servants. The fundamental causes for difficulty were Indians, disease, and hunger. Possibly 5000 Indians lived within sixty miles of Jamestown. They harassed the colonists almost continually, making it dangerous to venture beyond the fort for farming, hunting, or fishing. The company requirement, that everything produced be put in a common storehouse, discouraged initiative; moreover, its demand for cargoes of lumber and other articles seriously disrupted labor that might better have been devoted to the planting and attending of crops. Many of the prospective colonists died on ships before reaching Jamestown. On one ship only 55 arrived of the 185 who started. London plague increased the toll of malaria and other maladies.

*Reasons for suffering in Virginia*

Meanwhile, dissatisfied with the unfavorable beginnings, the London Company secured a new charter in 1609, under which it was incorporated as the self-governing, joint-stock "Virginia Company," independent of the Plymouth group, and with new territorial limits of 400 miles along the coast and extending

*New Virginia charters*

"west and northwest" from sea to sea.<sup>1</sup> The council in London became elective; the old colonial council was abolished; and management was vested in a sole governor who thus became a virtual dictator.<sup>2</sup> From 1609 to 1624 Virginia was in reality a proprietary colony. A succession of deputy governors imposed harsh discipline. Thomas Dale was the most feared of the lot. From 1611 to 1616 he turned the settlement into a virtual military camp. Twenty-five crimes were made punishable by death. One man with a bodkin thrust through his tongue was chained to a tree until he died, another was broken on a wheel, others were burned at the stake.

*Governor  
Dale*

*Important  
changes*

Dale was unnecessarily tyrannical, but under the circumstances strong discipline was necessary, and during his administration the colony began to prosper. Small plots of land were granted to individuals for their use; new settlements were founded; and in 1612 John Rolfe began raising tobacco, thus pointing the way to economic success for the colony. Two years later, with the approval of Governor Dale and Powhatan, Rolfe and Pocahontas were married, thereby bringing peace with the Indians for eight years.<sup>3</sup>

*Tobacco*

In fashionable England tobacco was in great demand, but the Indian variety was too bitter to be acceptable. Not long after Rolfe first tested the possibilities of its culture a method of successful curing was developed, and a "sweet tobacco" resulted. By 1617 even the streets of Jamestown were planted to the weed, and in that year 20,000 pounds were shipped to England. During

<sup>1</sup>The charter also provided for two kinds of stockholders, "adventurers" and "planters." The adventurers were those who purchased stock in the company, remaining at home; the planters were those who went to Virginia. It was further provided that planters, after working for the company seven years, should receive 100 acres of land.

<sup>2</sup>A third charter (1612) extended Virginia's bounds to include the Bermudas, and permitted the stockholders to hold four meetings per year for conducting the company's business. In the same year the company sold its rights to the Bermudas for £2000.

<sup>3</sup>Pocahontas ("playful one") was a favorite with the men of Jamestown, who admired her ability to turn handsprings. In 1613 she was seized and held as hostage for the good behavior of the Indians. Two years after her marriage she went to England with her husband, and was presented to the King and Queen as the Lady Rebecca. She died and was buried in England, leaving a small son. John Randolph of Roanoke was a lineal descendant of the princess. Others have lived in Virginia to this day.

the following ten years exports of the staple increased twenty-five times over.

Virginia was taking firm root although the "seasoning" process still took a heavy toll.<sup>1</sup> The abandonment of the communal system (finally carried out in 1619) proved fortunate, and the coming of a greater proportion of women made possible the development of home life.<sup>2</sup> Then in the same year, largely through the influence of Sir Edwin Sandys—leader of the liberal faction in the Virginia Company—a highly significant step was taken in the colony when Governor George Yeardley, in accordance with his instructions, called together the first representative assembly in American history. Meeting in the church at Jamestown (July 30), the governor and his council, together with twenty-two "burgesses," two from each of the plantations or boroughs, enacted such measures as seemed necessary, including laws against drunkenness, idleness, and gaming. In this same year a Dutch ship brought to Jamestown twenty Negroes who were sold into servitude. Thus in the same memorable year were born in America the great boon of representative government and the curse of black human bondage. For both there was high destiny in the future of America.

*Representative government, wives, and slavery*

Better times in the colony did not mean increased stability for the Virginia Company. Its days were numbered. Factional disputes within the company gave James I an opening to oppose Sandys, its liberal treasurer or president, who was a leader in Parliament against the King's absolutist pretensions. Moreover, James wanted some of the profits from Virginia tobacco. He had written *A Counterblaste to Tobacco* which was a classic example of prejudice from that "wisest fool in Christendom": but even though the weed was "harmful to the brain," James' empty treasury was embarrassing.

*Jealousy of King James*

After deciding to destroy the company's rights of government, James sought a justifiable excuse for annulling the charter. Con-

*The "Great Massacre"*

<sup>1</sup> In 1616 there were about 350 survivors out of some 1600 that had embarked from England. By 1624, when the colony became royal, the number had risen to some 1100, but four times as many had come.

<sup>2</sup> From time to time a number of women had come, but as late as 1619 a considerable majority of the men were bachelors. In that year the Company sent over ninety well-chosen "young maidens" who were privileged to reject any and all offers of marriage, the lucky suitors to pay the Company 120 pounds of tobacco. Other welcome cargoes of the same kind followed.

ditions in Virginia made the task an easy one. For in spite of great efforts made by the company, the Virginia population grew but slowly. Disease still took a heavy toll. Then, in 1622, about one-fourth of the entire population was wiped out by the "Great Massacre." In 1618, Opechancanough succeeded Powhatan. Pretending friendship, he stealthily laid a plot which broke with overwhelming suddenness upon the unsuspecting settlers, many of whom were cut down by their native guests of the night. Jamestown was saved by the timely warning of the Christian Chanco. The settlers took terrible vengeance, and for over twenty years thereafter enjoyed peace.<sup>1</sup>

*End of the  
Virginia  
Company*

In 1624 the Virginia Company's charter was annulled by court decree and the company dissolved. Thus Virginia became the first royal province in America. As a business venture the company was a failure. It expended £200,000, an enormous sum for the age, with only negligible returns; but it laid the foundations of a colony with the strength to endure, and in that colony established a representative assembly which remained as a bulwark against tyranny.

*Virginia  
as a royal  
colony*

Under the new regime the members of the council as well as the governors of Virginia were appointed by the crown. The governors, who were no better than those appointed by the company, had frequent disputes with the House of Burgesses and the council. In 1635 the council actually deposed Governor Harvey, who tried to levy taxes without an act of the assembly, and sent him to England. King Charles I promptly reinstated him. After a season of vacillation, Charles appointed Sir William Berkeley who served twice as governor (1642-1652; 1660-1677). Berkeley was a royalist after the King's own heart, but during his first administration he was able to win the respect if not the love of the spirited Virginia leaders by identifying himself with the colony's interests. Among the measures he approved was one forbidding the imposition of taxes by the governor and council without the consent of the assembly.

Charles I was executed in 1649, but not until 1652 did the

<sup>1</sup> In 1644, when England was engaged in civil war, the old and blind Opechancanough instigated an uprising that took about 500 lives. The chieftain was caught and shot, and the Indians withdrew from the region between the James and the York.

councilors and burgesses submit to Parliament, thereby forcing the retirement of Berkeley. From then until 1660, when monarchy was reestablished in England, Virginia was virtually an independent republic controlled by the House of Burgesses. Never losing its royalist sympathies—for which reason Charles II elevated Virginia to the status of dominion, quartering the arms of the seal of the old London Company upon the royal shield together with the arms of England, Scotland, and Ireland—the House of Burgesses chose Berkeley as governor soon after the death of Cromwell. But the old royalist was a changed man, and Virginia in 1660 entered into a period of serious troubles.

*The "Old Dominion"*

When the Virginia Company lost its rights in America all Virginia was the King's to do with as he pleased. Five years later (1629) Charles I carved off a large slice on the south (31 to 36 parallels) to create a proprietary province for Sir Robert Heath. Sir Robert did not bestir himself sufficiently to found a settlement and so lost his title. On the north, from the Potomac to the fortieth parallel, was created a province for George Calvert, Lord Baltimore, under charter of 1632. It was named Maryland in honor of Charles's wife, Henrietta Maria of France. Thus was launched what proved to be a wise adventure in colonization.

*The Maryland charter*

Sir George Calvert—a member of the East India Company, the Virginia Company, and the Council for New England (successor to the Plymouth Company)—in 1625 announced his adherence to the Catholic faith, resigned his high position under the government, and gave his attention thereafter to colonization. A winter spent in Newfoundland convinced him that a warmer climate was necessary for success. He then sought land on the Chesapeake, but died before the Maryland Charter had passed the seals in 1632. His Catholic son, Cecilius, the second Lord Baltimore, received the grant and with it extensive political rights and privileges. Strange as it now may seem, Baltimore was permitted to set up a medieval land system with manors and other paraphernalia of feudalism. In fact the proprietor was virtually monarch over his lands and his people, the only limitation on his power being that laws must be made with the "advice, assent, and approbation of the freemen," and be in accord with the laws of England. For all this Baltimore was required only to present annually at Windsor

*The Lords Baltimore*

two Indian arrows and one-fifth of all gold and silver ore found in Maryland.

*Motives for  
colonization*

The father's interest in founding a colony was chiefly economic, while the son was evidently primarily concerned with providing a refuge for Catholics who at that time in England were more persecuted than nonconforming Protestants. The King, whose wife was Catholic, had sympathy for the plan, and besides wished to establish a buffer between Virginia and the Dutch settlement on the Hudson.

*The "Ark"  
and  
the "Dove"*

In November 1633, Baltimore sent forth the *Ark* and the *Dove* with some twenty gentlemen (mostly Catholics), two priests, and about 200 laborers (mostly Protestant) to found a settlement. Because Baltimore thought it best to remain in England to protect his interests, his brother, Leonard, went along as governor. In late February 1634, the vessels entered the Potomac, "the sweetest and greatest river" Father Andrew White had ever seen. Then on March 27, when the joyful color of spring fringed the forests, the grateful voyagers made their settlement on the site of an Indian village a few miles from the mouth of St. George's River.

*St. Mary's,  
1634*

The location of St. Mary's City, as they named their settlement, was a happy choice. High and healthful, St. Mary's was surrounded by fertile and extensive cleared lands, flanked by forests beyond—all purchased from a weak tribe of Indians who were happy to have hatchets and cloth in exchange. Marylanders, profiting from the experiences of Virginia, escaped the tragedy of Indian resistance, and suffered no "starving time." The first season gave them surplus corn to exchange for New England salt codfish. Soon they were securing cattle and hogs from Virginia. Superior to the first settlers of that colony, they brought their women and children, seeking homes rather than working for a company. As in Virginia, tobacco became an economic factor of great importance.

*Government  
and religious  
freedom*

From the earliest days Maryland enjoyed a representative assembly and a council, but not until 1650 was a regular procedure adopted for choosing members of the lower house; also by this time the councilors constituted the upper house, and the assembly had won the right of initiating measures. Religious freedom, and with it the separation of church and state, likewise obtained from the beginning. Lord Baltimore welcomed all Christians with-

out distinction, probably because of his sense of justice. Obviously he could not provide an asylum for Catholics if he excluded Protestants, nor could he build up a great landed estate in America without settlers. The colony grew slowly because Protestants preferred to make homes in a Protestant colony, and because relatively few Catholics ever migrated. Protestants remained in the majority from the first settlement. From the outset any gentleman who would import five able-bodied men as tenants would be given a thousand acres; but few such manors were established, for land was so easily obtainable that most men preferred to be their own masters. Even indentured servants were promised fifty acres on the completion of their years of service.

An early dispute of considerable importance to Maryland was her controversy with Virginia over Kent Island in Chesapeake Bay. William Claiborne of Virginia had purchased the island from Indians and there established a fur-trading post prior to the issuance of Lord Baltimore's charter, which definitely placed the island within Maryland's boundaries. In 1638, after bloodshed had given color to the bitter quarrel, the Crown annulled Claiborne's rights, and confirmed Maryland's claim to the island.

*Trouble with  
Virginia*

From 1642, when civil war began in England between Puritans and King, until 1660, when kingship was restored under Charles II, Maryland was torn with strife. Largely responsible for the turmoil were (a) zealous Jesuit priests who were trying to establish some of the prerogatives enjoyed by religious orders in Catholic countries, and (b) a large Puritan migration from Virginia. Baltimore appointed a Protestant governor in an attempt to bring peace. His efforts finally resulted in the enactment by the assembly of the famous toleration act of 1649, granting religious freedom to all who professed belief in the Trinity and accepted the divinity of Christ. Jews and Unitarians were left outside the pale. In the 'fifties the Puritans overthrew the proprietary government and denied to the Catholics both religious freedom and the franchise. Soon civil war broke out anew. When the "papists" were beaten, Baltimore appointed a rival governor. For a while Maryland had governments both at St. Mary's and Providence (later Annapolis); but before 1660 Baltimore regained his proprietary rights, and religious toleration once more held sway.

*Civil strife,  
1642-60*



## Chapter Three

### NEW ENGLAND

*The Plymouth Company tries colonization*

IN THE same summer that the London Company founded Jamestown, the Plymouth Company tried its luck at colonization in New England. After one expedition that was dispatched for the purpose of spying out the land had made a glowing report of the New England coast, Sir Ferdinando Gorges and Lord Chief Justice John Popham backed another to found a colony. And so it happened that on August 7, 1607, the *Gift of God* and the *Mary and John* anchored at the mouth of the Kennebec, and shortly thereafter founded a settlement on the Sagadahoc. The region was healthful, but most of the men, like those at Jamestown, were not of the right stuff for frontiersmen. Dissension was rife, and the winter was found "extreme unseasonable and frosty."

*The Council for New England*

Unsuccessful as a business venture, the colony was abandoned in 1608. Thereafter the Plymouth Company could not rouse sufficient enthusiasm to undertake the founding of another colony, and in 1620 was reorganized and chartered as the Council for New England, under the presidency of the "georgious" Ferdinando Gorges.<sup>1</sup> The council never founded any colonies, but in the year of its organization the "Pilgrims" (without permission from the council) made the first permanent settlement in New England.

*The English Puritans*

The Pilgrims were seeking economic betterment and, what was much more important to them, religious freedom. Because of the significance of religion as a factor in the settlement of New England, it is necessary to review the background of English

<sup>1</sup> The charter provided for a sea to sea grant between the parallels of 40 to 48. Besides the right to found and govern colonies in this great region, the council was given a monopoly of fishing and trading. The policy of the company was to divide its lands among its own stockholders, or grant them to other companies. Important grants were those made to Plymouth and Massachusetts Bay. Gorges himself got Maine in 1629. The council surrendered its charter in 1635.

Puritanism as a phase of the Protestant Reformation which had turned Europe upside down. By the time Elizabeth became Queen (1558) a majority of Englishmen were not only Protestant but Anglican as well, and it was this communion which became the Established Church, combining sufficient features of Catholicism and Protestantism to satisfy moderates of both persuasions. It was a characteristic Elizabethan opportunist settlement in the interest of conformity in a day when not only were religion and morals closely entwined, but a unified church was a bulwark of government as well. Such a compromise, however, could not permanently satisfy either extreme of Catholics on the one hand or Protestant Nonconformists on the other. A London congregation of the latter, about 1565, was spoken of as "Puritans or Unspottyd Lambs of the Lord." Puritans they soon were called because of their desire to "purify" the Church of its popish practices, such as vestments for the clergy, the sign of the cross, the ring in marriage, kneeling to receive the sacrament, and organ music. In addition, they denounced amusements and defied royal authority.

This ecclesiastical protest represented the extremity of the Protestant middle-class revolt against the established social order, and centered in the towns where diligent citizens had slowly risen to positions of economic stability or even affluence through industry or commerce. Snubbed by the nobles who nevertheless envied their wealth, disliked by the peasants who were jealous of their rise in the world, and unpopular with the priests who did not take kindly to their capacity for independent thinking, these newcomers in society—out of spiritual and social isolation—had evolved concepts of conduct and morals that were just the reverse of those exemplified in the lives of their critics.

*Social  
basis of  
Puritanism*

To these Puritans, austerity and endurance became virtues, and Calvin's stark religious doctrines were closely embraced. They believed that the Church should be a militant guardian of morals in an age when coarse society and economic ills bred idleness and crime. Moreover, in addition to objections to the ceremonials of the Church, they sought to change its administration so as to permit a greater degree of self-government, after the manner of Scotch Presbyterians. This does not mean that Puritans proper were struggling for religious toleration. What they wished,

although a minority in the Church, was to dominate its doctrines and ritual, and make others conform to their way of thinking. Hardly any element of toleration motivated their purpose, nor did their leaders later exercise it when in power in England or Massachusetts. Indeed, as we shall see, they even executed Quakers in New England for refusing to conform.

*Puritan  
contributions*

Because of such unlovely attributes it has long been popular to denounce the Puritans as reactionaries—a stultifying force in American history—and indeed their leaders were highly vulnerable on several counts. However, in their inflexible spirit, moral courage, and indomitable will we find exemplified those Calvinistic qualities, whether Puritan, Scotch-Irish, Dutch Reformed, or French Huguenot, which waxed strong under adversity, and conquered the wilderness which became an independent America. If the New England Puritans did not make great social and intellectual contributions, they served the future well by laying enduring foundations for liberal education.

*The Puritan  
party*

After 1603 (end of Tudor period), when the strength of the Puritans probably did not exceed five per cent of the total English population, Puritan opposition to the Church became associated with Parliamentary opposition to “divine right” Stuarts. Thus arose the Puritan party, composed of diverse elements but working together for a common purpose. These were the people who in due time were destined to gain control of Parliament, execute Charles I, and establish a Puritan commonwealth under Cromwell. But they failed to hold together, and in the 1650’s split into many sects.

*Separatists*

Indeed, division began before 1600. Most radical of all Puritans, but less aggressive than the majority, were those who rejected the idea of a national church, and affirmed the right of the individual to worship as he chose even though it meant separation from the established Church and the formation of self-governing congregations. However, these “Separatists” or Independents—the founders of Congregationalism—were willing to concede to others the rights they demanded for themselves, and hence were directing the way to religious toleration. The Separatists had hard sledding. Their meetings were broken up; some of their members were imprisoned, and two leaders were hanged.

When James I came to the throne (1603) Puritans were hopeful of reforms in the Anglican Church in keeping with Presbyterian ideas of self-government; but James' experiences with tough Scotsmen were fresh in mind. Presbyterianism, he said, agreed as well with monarchy as God with the Devil. He would make the Puritans conform or "harrie them out of the land, or else do worse!" The difficulties of the Separatists soon became so much worse that by comparison their "former afflictions were but as flea-biting." Members of the little congregation at Scrooby resolved on migration to Holland where religious freedom was permitted. During 1607-1609 about 100 of them, including John Robinson, William Brewster, and William Bradford, managed to escape secretly. But life in Holland was hard and the future uncertain. Again the leaders decided to move—this time to some region in the new world where they might preserve both their faith and nationality. Sending agents to England, they were able to secure a patent from the Virginia Company (June 1619) permitting them to settle in northern Virginia. Then, through some London merchants, they succeeded in making arrangements for the necessary capital by organizing with them a joint-stock enterprise like that tried by the London Company in settling Jamestown.<sup>1</sup>

*Migration  
of Pilgrims  
to Holland*

By May 1620 those who were willing to leave Holland (the majority decided to remain) were ready to sail on the sixty-ton *Speedwell* under the leadership of William Brewster. But difficulties with the London promoters delayed departure until mid-summer. Finally the vessel joined the *Mayflower* in England, and the two set sail from Southampton on August 5.<sup>2</sup> Twice they had to put into port because of the leaky condition of the *Speedwell*. Finally, September 6, 1620, the *Mayflower* sailed alone from Plymouth with 101 passengers and a cargo of furniture, household utensils, food, hogs, chickens, dogs (possibly goats but no cattle), and beer.

*Voyage  
of the  
"Mayflower"*

<sup>1</sup> During a seven-year period the colonists were to be supplied with the necessities of life, while all profits should go into the common stock. At the end a proportional division should be made among the shareholders. A share of stock was rated at £10. Anyone might subscribe in money (an adventurer) or migrate (a planter)—in other words, risk his life or his money. Anyone over sixteen who migrated would be entitled to one share.

<sup>2</sup> The dates used for the Pilgrims are old style.

*The  
"Seasoning  
Time"*

Only thirty-five of the Pilgrims came from Holland, and only a fraction of that number was of the original Scrooby congregation. After a nine-week stormy voyage land was sighted which proved to be Cape Cod. An attempt to sail to Virginia was given up, and the landing was made in Provincetown harbor on November 11, 1620.<sup>1</sup> A few days before Christmas they chose Plymouth for their place of settlement, and began building shelters against the cold of that inhospitable coast. Fortunately the winter was not unusually severe; fortunately, too, there was no trouble with the Indians because the few around Plymouth who had survived a terrible plague were broken in spirit. However, the suffering from exposure encouraged pneumonia, and the ravages of scurvy took a heavy toll. Yet the waters about them teemed with fish, and there was game in the forests! At times not more than six or seven were in proper condition to attend the sick and bury the dead. By April nearly half of the entire company had died. Only four of eighteen married women remained alive.

*Relations  
with the  
Indians*

In March 1621 the Indian Samoset walked into the village, and in broken English told about the sufferings of his people. A few days later he returned bringing Squanto who, having been in England, had learned to speak English.<sup>2</sup> Squanto acted as intermediary in the negotiation of a treaty of peace with Chief Massasoit of the Wampanoags—peace which lasted fifty years. When the Narragansetts, a more distant tribe, sent the famous challenge of arrows tied with the skin of a rattlesnake, the Pilgrims showed their courage by returning it (Squanto was the agent) filled with bullets. This tribe also kept the peace. Squanto remained with the Pilgrims until his death in 1622, giving them invaluable instruction in problems of agriculture and hunting.

*The "May-  
flower  
Compact"*

In settling beyond the territorial limits of Virginia the Pilgrims were quite aware that their patent from the Virginia Company was inoperative. They were still subject to English law, it is true, but no provision had been made to extend government to the region where they settled. In short, they were "squatters." An-

<sup>1</sup> The old story, that the Pilgrims were landed in New England through treachery on the part of Captain Christopher Jones, has been thoroughly discredited.

<sup>2</sup> This friend of the Pilgrims was kidnaped in New England (1615) and sold in Spain. He escaped to England; came to Newfoundland; returned to England, and in 1619 returned finally to New England.

ticipating this awkward situation, and at the same time determined to restrain those men of the company who had said they would do as they pleased as soon as a landing had been made, forty-one of the "Fathers" signed (November 11) a solemn covenant in the cabin of the *Mayflower*.

This *Compact*, which bound the signatories to live together in "a civil body politick," was not a constitution, for it provided no frame of government. It simply extended to civil affairs the same principle which every Separatist group had upheld in its church covenant—an agreement to abide by the will of the majority. However, in agreeing thus to live together under such laws and constitutions as they might frame from time to time, they were establishing "the first pure democracy in America." John Carver was affirmed as governor. When he died in April 1621, William Bradford succeeded him. The Pilgrims held Bradford in such high esteem that he was reelected thirty times; but not until 1639 was he granted a salary (£20) although his duties entailed a considerable amount of expense. At the time of his first election, because he had not recovered from the disease that took so many of his associates, Bradford was given an assistant. In time (1663) the number grew to seven. During the early years the governor and his assistants, together with the "freemen," constituted the General Court, or assembly. But after 1639, because of the increased size of the colony, the towns sent representatives. Contrary to the usual colonial practice, the General Court was never divided into two houses.

*Government  
of Plymouth*

In 1621 the Council for New England granted a patent, thus terminating the squatter status of the Pilgrims. But other difficulties were not overcome so quickly. The soil and the long winters were unfriendly, and the hard conditions of life were aggravated by the communal system. Married men objected to having their wives cook and wash for any member of the company, while single men grumbled to see wives and children of other men consuming the fruits of their labor. So, as Virginia had done, the plan was abandoned in 1623. Four years later the partnership with the London merchants was dissolved, Bradford and others guaranteeing to pay them £1800 for their rights. In 1642 the indebtedness was finally discharged.

*Communal  
plan  
abandoned*

*Unwanted  
neighbors*

The problem of neighbors proved vexatious to the Pilgrims from a rather early day. In fact by 1625 the doings of Thomas Morton at Merrymount (Quincy) were a matter of concern to the "precise Separatists." Morton was exploring new possibilities in the fur trade by getting the Indians drunk before doing business, and besides he set up a Maypole around which his men frisked with Indian maidens. Disturbed by such levity, as well as by the effect of Morton's practices upon the fur trade, Miles Standish was sent (1628) to arrest the troublemaker in the name of the King. The task proved a surprisingly easy one because Morton's men were so drunk that the only bloodshed resulted when one of his crew ran his nose onto a sword.

*The Pilgrims  
in history*

This early destruction of a settlement beyond the limits of their grant suggests a promising future for Plymouth; but within a few years the colony was overshadowed by the powerful neighbor to the north, Massachusetts Bay, into which, without choice in the matter, Plymouth was finally incorporated in 1691. The population of this first New England colony never exceeded 7000. It produced no really outstanding leader, nor did it make any great contributions to the realm of the intellect; but for Americans the Pilgrims symbolize high courage for conscience' sake, and intense devotion to an ideal.

*The Massa-  
chusetts Bay  
Company*

Massachusetts Bay Colony, founded in 1630, was the outgrowth of commercial enterprise which acquired a strong religious character. Among the scattered settlements established before 1630 north of Plymouth was a fishing station at Cape Ann dating from 1623. By 1628 the backers of this enterprise blossomed into the New England Company. In that year this company obtained a large grant from the Council of New England, and the following year was incorporated as the Massachusetts Bay Company under a charter granted by Charles I.

*The  
Cambridge  
Agreement*

Thus far the purpose of the company was commercial. But in the terms of the charter the more extreme Puritan members discovered an opportunity for establishing an ideal Puritan commonwealth in America. Specifically, there was no requirement that the headquarters of the company must be in England; consequently the stockholders might, if they wished, hold their meeting in New England. By so doing the migrants could guarantee to themselves

independent self-government. John Winthrop, the "Father of Massachusetts," an able squire who was much concerned about the future prospects of the unprivileged in England, was the leader of this party in the Company. In August 1629 he and eleven others signed an agreement at Cambridge, binding themselves to migrate to New England with their families providing the charter and government were taken with them. A majority of the stockholders accepted the proposition, those who did not wish to go to America withdrawing from the company. Winthrop was elected governor, and in the spring of 1630 the "Great Migration" began. By the end of summer about 1000 colonists had settled in their new home in the vicinity of Boston, and within the year eight separate settlements marked the beginnings of future towns. During the next decade probably 20,000 people, a great majority of whom were Puritans, emigrated to the colony. Many other Puritans settled outside New England.

The chief explanation for this exodus is to be found in the dark prospects for Puritans in England after the accession of Charles I in 1625. Their interests went much further than the "purification" of the Church, for many of them were solid men of the middle class who aspired to positions of power in political life. They provided stiff Parliamentary opposition to James I; then under their great leaders, such as Sir John Eliot and John Pym, gained control of the House of Commons only to have Charles I dissolve Parliament in 1629. By coincidence, the dissolution occurred a few days after the Massachusetts charter was granted by the crown. During the eleven years of personal rule which followed, Charles supported Archbishop William Laud in his campaign of hounding the Puritan clergy, thus encouraging the Great Migration which did not end until 1640 when Parliament convened once more. Those who came to America before that date could not foresee the turning of the tables under Cromwell and his "Roundheads," or the execution of Laud and Charles and the establishment of the Puritan Commonwealth.

*The "Great Migration"*

Massachusetts Bay Colony, like Virginia and Plymouth, suffered many hardships. Disease took its toll, the cruel winters brought discouragement, and agriculture was not promising. Hundreds returned to England or went to some other colony; but the



tougher ones, if willing to accept Governor Winthrop's domination, remained to give Massachusetts leadership in all New England. The history of the colony until Winthrop's death in 1649 centers around this modest, self-sacrificing man. He was motivated by high principles, and was sincerely interested in the well-being of his people, but he had no faith in democracy. Representative government, therefore, came slowly in the Bay colony.

*Puritan  
government*

Under the Massachusetts charter all powers of government were vested in members of the corporation—"freemen" they were termed. Of this select group there were at first, including the governor, deputy governor, and eight assistants, hardly more than a dozen in the colony. The government, therefore, was entirely under the control of these men, who constituted the General Court. All others had no voice whatever. In other words, in striking contrast to the democracy established a decade earlier a few miles distant at Plymouth, it was an out-and-out oligarchy. The arrangement well suited Winthrop, who was determined to maintain a theocracy or Bible Commonwealth, but he had to contend with others who were likewise of stubborn disposition. In the fall of the very first year over 100 settlers requested to be admitted to the rights of freemen. Winthrop was caught in an awkward dilemma. If they were admitted, the old members could no longer control the colony—the Puritan experiment might fail; refuse their demand and they might migrate to another colony. A compromise was arranged whereby freemen might vote for assistants only, the assistants to choose the other officers and with them exercise all executive, judicial, and legislative functions. This was a flat violation of the charter, but the people were not permitted to see that document. Thus safeguarded from the dangers of democracy, the General Court in May 1631 admitted 118 new members as freemen of the company. But, as a further precaution, it was provided that in the future no one should become a freeman who was not a member of a church within the colony.

*Representa-  
tive  
government  
established*

The next year a more exciting contest arose when the governor and assistants imposed a tax of £60 on each of the twelve towns of the colony. Citizens of Watertown objected to taxation without representation. In the outcome freemen regained the right to elect all officers of government, and each town was granted the

privilege of sending two representatives to the General Court to confer on matters of taxation. In 1634 representatives from fourteen towns demanded to see the charter. When they learned that their rights had been denied for four years, Winthrop had to give way. The result was a representative assembly (1634) with power to make laws and levy taxes. Virginia had inaugurated the practice fifteen years earlier.<sup>1</sup> The fact that representative government was established in Massachusetts does not alter the fact that the Colony remained a religious oligarchy for half a century. Only church members might vote for deputies, and the clergy decided who might be admitted to church membership.

Massachusetts was no haven for people with original ideas in religion. With self-righteous zeal the Puritan leaders, who had opposed conformity in England, purged the colony of any who refused to conform to their own brand of dogmatism. Some of the finest men in the colony, including Henry Vane and Governor Winthrop's own son, went elsewhere. Most famous of those expelled was Roger Williams. This charming and brilliant, if somewhat erratic, young minister of Salem had a passion for equity and justice suggestive of the martyr. Each congregation, he believed, should be its own master entirely; moreover he advocated a complete separation of church and state—the government not to interfere in any way with the religious beliefs or practices of the individual. Such radical unorthodoxy was doubly dangerous in theocratic Massachusetts. As if to make himself further obnoxious he declared the Indians to be the rightful owners of the land until it had been purchased from them. In other words, he was denying the legal basis of Massachusetts charter. For such heresy he was banished from the colony in the fall of 1635. His activity as a colonizer will be noted presently.

*Roger  
Williams*

Before the excitement created by Williams had died down, Boston was rocked by another tempest of heresy produced, of all things, by a woman. Mrs. Anne Hutchinson, whom Winthrop found haughty and of "very voluble tongue," was much loved by the community for her kindness. But she indulged the pleasant practice of holding meetings in her home for the discussion of

*Anne  
Hutchinson*

<sup>1</sup> Bermuda was second in 1621. Plymouth, a true democracy, was not too large for all freemen to meet together until 1639, at which time the representative system was inaugurated.

Sunday sermons, at which times some of the local divines were criticized for the emphasis they placed upon good works rather than upon heavenly grace. Furthermore she had a fetching way of marching out of church when the Reverend John Wilson arose to proclaim the gospel. The doctrine she expounded would be of slight interest today; but in that theological age it was a serious matter, made doubly so because many prominent people, including the popular young Governor Henry Vane, were on her side. In the spring of 1637 Winthrop was elected governor, and the fate of Mrs. Hutchinson was sealed. She was charged with "traducing the ministers"; was given a farcical trial before the General Court, then banished and excommunicated. Several of her followers, voluntarily or under compulsion, went with her. The tragic sequel came in 1643 when the unfortunate woman and her children were massacred by the Indians. The price of intellectual freedom in Massachusetts ran high.

*Persecution  
of Quakers*

Puritan intolerance was further expressed in the rigorous treatment accorded all dissenters. Some Baptists were roughly handled. But the most tragic example of cruelty concerned some Quakers who persisted in bearing witness in Boston in spite of a law which decreed the punishment of death to any who returned after banishment. Three of them, including a woman, Mary Dyer, were actually hanged on Boston Common. Because of the consequent revulsion of feeling the extreme punishment was not meted out thereafter, the General Court showing leniency by ordering that all Quakers merely be tied to a cart's tail and flogged from town to town until expelled from the colony.

*Expansion  
of New  
England*

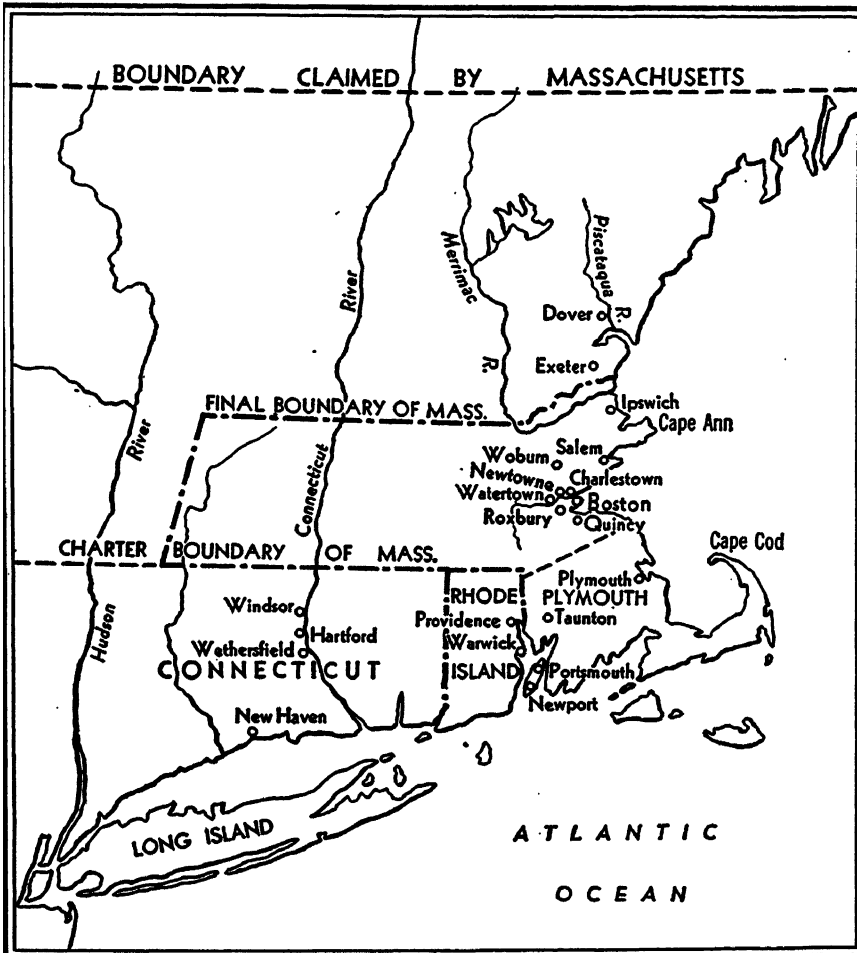
Just as the nonconformity of English Puritans explains in large measure the founding of the first New England colonies, so in turn the nonconformity of Roger Williams and others helps explain the expansion of New England through the establishment of settlements that grew into new colonies. Expansion—perhaps the greatest force in American history until the Pacific blocked farther progress—was inevitable. Land and still more land along the borders of settlement proved irresistible to many of the most venturesome and hardy, and invited those who sought freedom from unwanted restraints. Limitation upon religious freedom was especially pertinent in the case of Rhode Island; for the later

New England colonies economic motives were more impelling.

In order to avoid deportation to England, Roger Williams fled to friendly Indians, and after a winter of cold and hunger he and five or six friends founded a settlement (June 1636), which he called Providence, at the head of Narragansett Bay. He was careful to purchase the land from the Indians and to establish a government which was based upon a compact similar to that drawn by the Pilgrims. Thus, with entire religious freedom and almost without restraint in civil matters, was begun the colony of

*Founding  
of Rhode  
Island*

#### NEW ENGLAND SETTLEMENTS BEFORE 1650



Rhode Island. About two years after the founding of Providence, William Coddington, a former champion of Mrs. Hutchinson, and some friends from Massachusetts made the settlement of Portsmouth on the island of Aquidneck (Rhode Island) in Narragansett Bay. They, too, purchased the land from the Indians, the consideration being twenty-three coats and thirteen hoes. It was to Portsmouth that Mrs. Hutchinson and her family came. Soon dissension in the settlement caused a split which resulted in a third town (1639) at Newport. Meanwhile a combative fellow by the name of Samuel Gorton arrived at Portsmouth, only to be expelled after his followers were beaten in a hand-to-hand fight with those of Coddington. The course of true freedom did not always run smoothly in Rhode Island! In due time (1643) Gorton founded his own town of Warwick.

*The charter  
of 1663*

Not one of the four separate colonies had a legal title or a charter from the King; moreover, they were in danger of being absorbed by Massachusetts which had laid claim to this region of heretics. In 1644 Williams secured from Parliament a charter organizing the first three settlements into a corporation. Three years later a union including Warwick was formed. In this union the rights of the towns were carefully guarded, and church and state remained separate. Finally, in 1663, after kingship had been restored in England, Rhode Island was so fortunate as to secure from Charles II a charter formally approving the principles of government and religion which the Rhode Islanders had established for themselves. This charter was the basis of government for Rhode Island until 1842.

*Beginnings of  
Connecticut*

Meanwhile the Connecticut Valley was being settled by men who were motivated primarily by the desire for fertile land rather than by the urgings of troubled spirits seeking soul freedom. The soil around Boston Bay left much to be desired, while reports from the valley offered tempting prospects for expanding crops and cattle. Thomas Hooker, pastor of the church at Newtowne (Cambridge), and ex-Governor John Haynes were the leaders in a project to occupy this inviting region. Be it further said that the strong and ambitious Hooker objected to the narrow political and religious views of Winthrop and his group, and was quite willing to escape their domination.

Permission to migrate having been granted by the General Court, some 800 settlers drove their cattle and hogs before them through the forests into the Valley (1635-1636), and founded the towns of Hartford, Windsor, and Wethersfield. Their situation was rather dubious at best, for they were in reality "squatters" among hostile Indians. Moreover, three other parties claimed the region: the Dutch, who had established (1633) the fur-trading post of "Good Hope" at the site of Hartford; Plymouth, whose men had done the same thing near the site of Windsor; and Lord Brooke and his associates. Saybrook, a military post at the mouth of the Connecticut, resulted from the efforts of the last-named group. Into this region came also John Davenport and Theophilus Eaton (1638) for purposes of trade and colonization. With followers from England and Massachusetts they established the "Bible Commonwealth" of New Haven. There it was intended that the Scriptures should be the guide in government as well as for individuals; and, as in Massachusetts, only church members might enjoy the suffrage. These settlers, likewise, were squatters. Their aspirations in trade and scriptural government were only partially realized, but New Haven maintained a separate existence until joined with the other Connecticut towns under the charter granted by Charles II in 1662.

*Early towns**New Haven*

A quarter-century earlier (1637) the River Towns of Windsor, Hartford, and Wethersfield organized themselves into a self-governing colony known as Connecticut. Then in 1638-1639, by a procedure which is not definitely known, they drew and adopted the "Fundamental Orders," creating a form of government for the colony. This document, which has been considered the first constitution to be written in America, made provision for a government patterned closely after that of Massachusetts and therefore established nothing that was fundamentally new. However, it shows in a striking way the capacity of English colonists to take whatever steps they deemed necessary for setting up a workable government for themselves. The essential features of the Fundamental Orders were incorporated in the Connecticut charter of 1662 which formed the basis of government for the united colony and state until 1818.

*The "Fundamental Orders"*

During these same years frontier expansion was leading men

*New Hampshire and Maine*

northward as well as into Connecticut and Rhode Island. In 1629 Sir Ferdinando Gorges and Captain John Mason, to whom the region between the Merrimac and the Kennebec had been granted by the Council for New England, divided their holdings between them. Mason took New Hampshire, the region south and west of the Piscataqua, and Gorges the remainder, which he called Maine. Massachusetts was chartered in that same year with a northern boundary defined in such loose terms as to give her a claim to all New Hampshire and Maine. Both Mason and Gorges made attempts at colonization with only slight success. Meanwhile settlers from the Bay colony moved into the disputed territory. Their preference for the jurisdiction of Massachusetts gave that colony an added pretext for asserting control over both New Hampshire and Maine. Not until 1679 did New Hampshire become a separate royal colony. Maine remained a part of Massachusetts until 1820.<sup>1</sup>

*The Pequot War*

The westward movement brought inevitable clashes with the red men. Partly as a result of Roger Williams' kindly treatment, the Narragansetts remained friendly, but in Connecticut the powerful Pequots were resisting the white man as early as 1633. Subsequent encounters incited them to the murder of some settlers of Wethersfield in the spring of 1637, whereupon the River Towns took up arms and with the help of Massachusetts virtually exterminated the tribe. Many were killed or burned alive, others were sold into slavery, still others were killed by other tribes. Not until King Philip took the warpath in 1675 did New England face another serious Indian uprising.<sup>2</sup>

The exposed position of Connecticut, together with her experience in the Pequot War, suggested the advisability of a closer

<sup>1</sup> In 1678 Massachusetts purchased Maine from the heirs of Gorges for £1250.

<sup>2</sup> King Philip's war (1675-1676), the bloodiest of all colonial Indian wars, resulted from the onward advance of the white man whose manner of living was fundamentally different from that of the red. Philip (Metacom) was a son of Massasoit who died in 1662. Philip keenly resented the land hunger and unfair dealing of the Puritans, and conspired with chiefs of other tribes to strike in concert. In June 1675 the attack was made, quickly extending throughout New England. The war ended when Philip was shot in August of the next year, although hostilities continued for a time in Maine and New Hampshire. Sixteen towns in Massachusetts and four in Rhode Island were destroyed, and many lives lost. Puritan revenge was heavy. Philip's wife and son with others were sold into West Indian slavery. It was the final solution of the Indian problem in southern New England,

relationship with the other New England colonies. After all, if a workable union could be attained in Connecticut, an inter-colonial union on a larger scale might likewise be feasible. Beginning in 1637, repeated proposals of such a union were made by Connecticut. For five years Massachusetts showed a rather haughty indifference, but before 1643 even the Bay colony was well aware of the need for measures of defense. Not only were the Indians menacing, but the Dutch suffered the English settlers to remain on the Connecticut River only because of insufficient strength to drive them out. Moreover the French were active in Maine, and besides had designs on the Connecticut River as a convenient outlet for the fur trade. These dangers were the more threatening because the attention of England was centered on her own civil war. Finally there were various intercolonial problems, such as trade and runaway servants and prisoners, which might be helped by cooperative action.

*Conditions  
favoring  
union*

In 1643 commissioners from Connecticut, New Haven, and Plymouth met with a committee of the Massachusetts General Court in Boston and drew up twelve articles for a Confederation of these four colonies, designated as the United Colonies of New England. The expressed reason for refusing to admit Maine was the disorderly character of her government. Anyhow Massachusetts claimed that colony was within her grant. Rhode Island was turned down because godly Puritans wished no association with that "sewer" of heresy. The machinery of the Confederation consisted of eight commissioners, two from each colony—all church members—who should meet at least once annually. They were clothed with the power to declare war, apportion men and finance, and make peace. In addition they acted as a sort of court of arbitration. The vote of six was necessary for action. If six could not agree, the question under consideration would be referred to the General Courts. The commissioners had no power to enforce their decrees, and consequently never did more than offer advice and make recommendations. Moreover, if Massachusetts disapproved decisions of the commissioners she refused to abide by them. The Confederation was weakened by the union of Connecticut and New Haven in 1662, and collapsed when Massachusetts lost her charter in 1684.

*The New  
England  
Confeder-  
ation*



It was a far cry from the weak union of 1643 to that which was accomplished when the colonies finally revolted from the mother country over a century and a quarter later. But in the early experiment are to be found the same forces at work—the same attitude respecting the rights of the colonies—as those which produced a lasting union of independent states long afterward. Herein lies the great significance of the action taken in 1643, without sanction of King or Parliament.

## Chapter Four

### WALR. COLONIZATION AFTER 1660

**D**URING the period of the Civil War and the subsequent rule of Cromwell (1642–1658), English interest in colonies was not sufficiently strong to produce any new ones. Consequently, half a century after the settlement of Jamestown, England's mainland colonies in America were Virginia, Plymouth, Massachusetts, Maryland, Connecticut, New Haven, and Rhode Island—the last three resulting from the expansion of New England. The next quarter-century marked the beginnings of six additional colonies—the Carolinas, New York, New Jersey, Delaware, and Pennsylvania.

Much of the credit for this new wave of colonizing activity must be attributed to Charles II, whose accession to the throne in 1660 marks the beginning of the Restoration period. Charles is perhaps best remembered as the “Merry Monarch” who set the standard of immorality for a generation which needed no example in its revolt from Puritan restraints. But however much he may have contributed to the decline of spiritual values, he labored both to promote the economic growth of England and to develop a colonial empire in the interest of revenue and of commercial supremacy.

*The role of  
Charles II*

When Charles and his Cavalier friends could safely return to England after years of exile and enforced loss of revenues and even estates, their most urgent desire was to rehabilitate their ruined fortunes. The colonies offered a partial solution of their problems, particularly in view of the fact that territory from which new colonies might be created belonged to the King. In gratitude to leading Cavaliers who helped him recover the throne, Charles generously conferred upon them titles, honors, and offices, and granted princely domains in America. The territories at the dis-

*The reward  
of the  
faithful*

posals of the King were the two great gaps in English settlement, one from the Connecticut River to Maryland and the other from Virginia to Florida. The possession and colonization of these regions might well bring rich profits to those who furthered the enterprise, as well as welcome revenue for the needy treasury of England.

*Carolina  
chartered,  
1663-65*

Charles' first colonial grant, the province of Carolina, was made to eight highly influential favorites, among whom were the Earl of Clarendon, Anthony Ashley Cooper, Sir William Berkeley (governor of Virginia), and Sir George Carteret. Under provisions of their charter (1663), which was identical in most respects with that granted to Lord Baltimore, the eight proprietors were given a feudal principality between the thirty-first and thirty-sixth parallels and westward from "sea to sea." Two years later an amended charter pushed one boundary northward to  $36^{\circ}30'$  in order to include some poor squatters along the Virginia boundary, and the other was fixed at  $29^{\circ}$ , which was actually south of Spanish St. Augustine.

*The Funda-  
mental Con-  
stitutions*

Carolina colonists, like those of Virginia and Maryland, were to enjoy the "liberties, franchises, and privileges" of Englishmen; likewise the religious toleration granted Connecticut and Rhode Island. But the proprietors might, with the advice and assent of the freemen, make such laws as they wished. By way of carrying out in the grand manner their plans for an ideal feudal state, they prevailed upon the philosopher, John Locke, to write a constitution. The result was "The Fundamental Constitutions of Carolina," a highly theoretical document which was "to remain the sacred and unalterable form and Rule of government of Carolina forever." It made elaborate provisions for a colonial nobility and a division of the region into seigniories, baronies, and colonies. For several years the small wilderness population made the application of the scheme impracticable; then, when it was tried, numerous amendments proved necessary. In the end it gave way before stubborn opposition and was abandoned.

*ettlement  
f Albemarle*

About ten years before the charter was granted, the settlement of northern Carolina began when dissatisfied Virginians moved into the region of Albemarle Sound and, thus isolated, did as they pleased. Having left Virginia in order to exercise that privilege,

they later showed little disposition to submit to the proprietors' government, or to pay the quitrents demanded of them.<sup>1</sup> By 1689 they had driven out two governors, one of them a "dirty knave." About this time, too, the settlements of the Albemarle district began to be called North Carolina. Throughout the proprietary period (until 1729) growth in this area was slow. An attempt at settlement on the Cape Fear River failed.

The beginnings of settlement in what came to be South Carolina resulted from expensive activity on the part of the proprietors. An expedition fitted out in 1669 reached the Carolina coast the following year and founded Charles Towne on the Ashley River. Ten years later the settlement was moved to the present site of Charleston. The fertile soil and mild climate encouraged a fairly rapid growth. Settlers came from Ireland, Scotland, Barbados, and New England. In 1680 French Huguenots began to arrive.

*Charles  
Towne*

As previously indicated, the chief aim of the proprietors was to further their financial interests. This they attempted by the imposition of quitrents, and by the production of staples such as almonds, raisins, wine, silk, and naval stores, for which there was a lively demand in England. For the most part the returns from both sources were disappointingly meager. Settlers in northern Carolina produced little in excess of their needs. Early residents of

*Carolina  
agriculture*

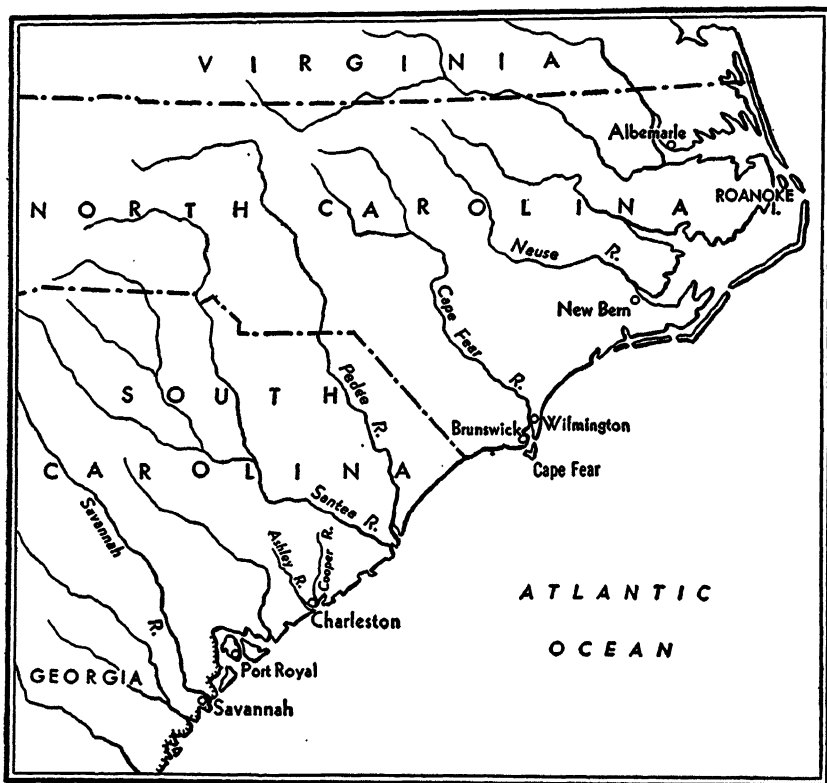
<sup>1</sup> The quitrent was an old feudal due (payable in money rather than food and services as originally) which "quitted" the holder of land of all payments of whatever sort to an overlord. In the colonies it was payable annually by freeholders to proprietors who received grants of land from the King. In the proprietary colonies that reverted to the crown, as Virginia and the Carolinas, these quitrents became royal revenues.

Technically, the proprietors also had to pay a quitrent to the King, but it was only symbolic. For example, Lord Baltimore's annual payment was two Indian arrowheads; William Penn's, two beaver skins. The common requirement that payment be in hard money caused some real hardship and much trouble. Actually, because of the scarcity of specie, it was necessary to substitute products such as tobacco or wheat, a practice which in turn produced many problems respecting the rate of exchange, transportation, and the like. Often settlers, particularly the Scotch-Irish, in newer areas, could see no justice in being required to pay, and so refused to do so.

The quitrent was usually a nominal sum—two to four shillings per hundred acres. Failure to pay supposedly meant forfeiture of the land, and many a conflict resulted from efforts to collect them. In Pennsylvania, Maryland, Virginia, and South Carolina the aggregate of these payments was a considerable amount.

Quitrents were never fastened upon New England, but obtained in name at least in all the other colonies. Naturally they did not survive the Revolutionary War.

the Charleston area produced what they could and sold to whoever would buy, even including pirates who drew anchor in such numbers in their fine bay as to give the town for a brief space the



EARLY SETTLEMENTS IN THE CAROLINAS

name of "Rogue's Harbor." The introduction of rice culture about 1690 gave the colony a crop comparable in importance with that of tobacco in Virginia. Rice growing encouraged the ownership of slaves so that the Negro population after a few decades outnumbered the white.

A long-standing problem of serious concern for the settlers of southern Carolina—isolated as they were from other English colonies—was the threat of Spanish attack. Although the Spanish after 1680 occupied no territory north of the St. Marys River, they claimed South Carolina, and in 1686 broke up a Scottish settle-

Threats  
from the  
Spanish

ment near the mouth of the Savannah. Moreover, for several decades, they intrigued with Indian enemies of the Carolinians and gave shelter to their runaway slaves.

The great distance between the Albemarle and Charleston areas of settlement dictated a distinct and separate growth. The ownership of slaves contributed to the prosperity of the latter, and to the establishment and maintenance of a social aristocracy in Charleston. Trade was with Europe and the West Indies rather than with mainland colonies. On the other hand, the contacts of the poor farmers of northern Carolina were almost entirely with neighboring colonies to the north. The proprietors were the only bond holding the two together, and that proved a negligible one. Because the expected profits failed to materialize, proprietary neglect and arbitrary action became common. The outcome was a revolutionary movement by which South Carolina overthrew proprietary control, becoming a royal colony in 1719. Ten years later the crown purchased the rights of the proprietors, and then (1730) established a preliminary boundary between the two Carolinas.<sup>1</sup>

*Division.  
of the  
Carolinas*

Of much greater importance to England than the extension of settlement south of Virginia was the conquest of New Netherland from the Dutch, thus closing the gap between Maryland and the Connecticut Valley. In this coastal expanse lay not only the finest harbor on the North Atlantic but the Hudson and Mohawk rivers, which provided the best of all routes into the fur country—save one. And that was the St. Lawrence, in French possession. Besides wishing to dispossess the Dutch for reasons of state, the Cavaliers surrounding Charles II realized the future possibilities of fur trading on the Hudson and the Delaware.

*New  
Netherland*

The English claimed this region by virtue of John Cabot's discovery in 1497; but during subsequent years, when actual possession of any given territory was the only title internationally recognized, the Dutch certainly established a far better claim than that of any other country. In 1609 Henry Hudson, an Englishman in the service of the Dutch East India Company, while

*Henry  
Hudson*

<sup>1</sup> One proprietor (later Lord Granville) refused to sell. He surrendered rights of government but retained the northern half of North Carolina. The vast estate was confiscated during the Revolution.

trying to find a passage to the Pacific, discovered the majestic river that bears his name. He enjoyed the splendid scenery as he sailed upstream to the present site of Albany, introduced a few Indians to the pleasurable possibilities in brandy, and fought some others before leaving the region.

*Settlement  
by the  
Dutch*

Shortly thereafter Dutch traders were using Manhattan Island as a base for operations, but not until 1624 did the newly chartered Dutch West India Company send over thirty families who established several trading posts. The largest group founded Fort Orange (Albany); another, Fort Nassau, on the Delaware River opposite the present site of Philadelphia. The next year New Amsterdam was begun on Manhattan Island, which Peter Minuit purchased from the Indians (1626) for the equivalent of \$24 in trinkets. The Dutch were soon experiencing serious trouble with the Indians around Manhattan—trouble which lasted as long as the Dutch remained on the Hudson—but fortunately for their fur trade and for protection from the French in Canada, the Iroquois, or Five Nations, were friendly. The tribes of this powerful confederacy, living in the Mohawk River area, were willing to sell not only their own furs but also those secured from tribes farther to the west. The advantages they enjoyed as middlemen were so much more attractive than anything the French could offer that they made a lasting peace with the Dutch. When the English dispossessed the Dutch (1664) they fell heir in turn to this profitable friendship.

*The  
patroon  
system*

Because the chief interest of the Dutch West India Company was trade, the growth of settlements was slow for several years. In order to encourage colonization, provision was made in 1629 for the granting of patroonships (great estates) to any members of the company who would colonize fifty people within four years after accepting the offer. These "patroons" were to enjoy extensive rights, including civil and criminal jurisdiction, in their great feudal holdings. But such a system was no more suited to New Netherland than to Maryland or Carolina. The only successful patroonship was that established by Killian Van Rensselaer around Fort Orange. It contained nearly fifty square miles. By the end of Dutch rule only two patroonships remained in private hands.

Not until Peter Stuyvesant became governor in 1647 did the

colony begin a rapid growth. He was conscientious and honorable but stubborn and autocratic. He checked smuggling to and from New England and reduced the amount of liquor sold illegally to the Indians. But for all his pains he had to fight three Indian wars; and he failed to win the loyalty of his subjects who criticized him for strutting "like a peacock" despite his "silver leg," and even called him "the great Muscovy Duke."

*Governor  
Stuyvesant*

FIRST SETTLEMENTS OF THE JERSEYS, DELAWARE, PENNSYLVANIA, AND NEW NETHERLAND





*New Sweden* It was during Stuyvesant's governorship that the Dutch absorbed the colony of New Sweden. In 1638 a small band of Swedes made a settlement on the Delaware River, within the present limits of Wilmington, which they named Fort Christina. The Dutch, who had established Fort Nassau about twenty-five miles upstream, claimed the land which the Swedes occupied after purchasing it from the Indians. The Swedish colony grew slowly in spite of the energetic activity and able administration of the 400-pound Johan Printz (1643-1653). He built new forts, drove out English and Dutch fur traders, and maintained friendly relations with the Indians. Fort Nassau, cut off from the sea by the Swedish forts, became worthless to the Dutch. But New Sweden's days of independent existence were numbered. As long as Sweden was fighting on the Dutch side in the Thirty Years War (1618-1648) her colony in America was but little molested. But in 1655, after the Swedes had seized a Dutch post on the Delaware, Peter Stuyvesant with seven vessels and 300 men captured Fort Christina following a bloodless siege. So disappeared New Sweden from the map of America. Within a decade the Dutch in turn were to meet the same fate.

*New York  
chartered,  
1664*

While Charles II was indulging the pleasant exercise of rewarding his followers with lands in America he did not forget his brother James, Duke of York. To him was granted (March 1664) all the territory between the Connecticut and Delaware Rivers, including Long Island. Dutch claims to the region, by virtue of occupation, gave the English no concern. It was an age of bitter commercial rivalry between the two; moreover, New Amsterdam was the American center of illegal trade carried on by Dutch ships. So without compunction Britons moved in for the kill.

*"Conquest"  
of New  
Netherland*

In August 1664, on the eve of war with Holland,<sup>1</sup> four English ships with several hundred men, recruited for the most part in New England, appeared before New Amsterdam. The testy Stuyvesant wanted to fight but was dissuaded from such a suicidal course. He had alienated too many of his subjects by arbitrary measures—a large proportion of them were English anyhow—and

<sup>1</sup> England and Holland fought three wars: 1652-1654; 1664-1667; 1672-1674. Following the outbreak of the first, the inhabitants of New Amsterdam built a palisaded wall for protection across the island at the northern limit of the town. Along this wall appeared in time the famous Wall Street.

the means for defense were entirely inadequate. New Netherland became New York without the firing of a shot. The future of America was destined to be English rather than Dutch. Whatever might be said concerning the international morality of such action—the Dutch, be it remembered, had done the same thing to the Swedes—the fact remains that the outcome was fortunate for the future union of the English colonies. For such a union must have been impossible as long as the Hudson Valley remained in the possession of another country.<sup>1</sup>

James never came to New York. He chose a governor, Richard Nicolls, for his colony before he possessed it and through him established an autocratic but somewhat benevolent government. Because New York was conquered territory, a representative assembly was deemed unnecessary, and none was granted until 1683.<sup>2</sup> Nicolls changed many of the Dutch place names to English, and proclaimed a code—the “Duke’s Laws”—based upon English laws and New England practices, which included provisions for equal taxation and trial by jury.

Before the Duke of York took possession of his princely domain he ceded the portion between the Hudson and Delaware rivers to two of the proprietors of Carolina, Lord John Berkeley, brother of the governor of Virginia, and Sir George Carteret, “the richest man in England.” It was named New Jersey after the island in the English Channel over which Carteret had been administrator. In 1665 Philip Carteret, a relative of Sir George, arrived as governor and founded his capital at Elizabethtown. Already on the ground were a few Swedes and Dutch, and some Puritans from New England. Growth was fairly rapid, being encouraged by religious freedom, liberal land provisions, representative government, no taxes without legislative consent, and rights of local government for the towns.

The history of New Jersey is rather involved. In 1674 Berkeley

<sup>1</sup> During England’s next war with Holland (1672–1674) a Dutch fleet of twenty-three ships appeared before New York, which yielded after four hours of bombardment. It was restored to the English a few months later by the Peace of Westminster, 1674.

<sup>2</sup> When James became King on the death of Charles (1685) he had schemes for colonial unification which would have been hampered by a representative government in New York. He therefore promptly abolished the assembly. It was restored in 1691 after James had been overthrown.

*Division  
and reunion*

sold his share for £1000 to a Quaker, Edward Byllynge. A year later it passed to the hands of William Penn and other Quakers. They secured a division of the colony (1676), naming their share West New Jersey. It became a refuge for Quakers. In 1682 East New Jersey was sold for £3400 at auction by Carteret's heirs. Penn and twenty-three associates became the new owners. Meanwhile in East New Jersey progress was hampered by difficulties between the proprietors, who sought to derive revenue from quit-rents and taxes, and Puritan settlers from New England who had received title from Governor Nicolls of New York. At one time the latter element went so far as to set up its own governor and assembly—a pretension which could not be maintained. The Duke of York increased the friction by authorizing the governor of New York, Edmund Andros, to exercise jurisdiction over New Jersey as well. Andros went so far as to arrest Governor Carteret (1679) and take him to New York for trial. The following year the Duke abandoned all claims to the Jerseys. After many tribulations the two provinces, East and West, were surrendered by the Quaker associates and united in 1702 as one royal colony.

*William  
Penn*

In the same year that William Penn and his associates purchased East New Jersey (1682) Penn came to America in order to help launch what proved to be the most successful of all colonizing enterprises of the Restoration period. This great humanitarian was the son of Admiral Sir William Penn, a wealthy friend of the Stuarts. Young Penn was sent to Oxford for the training befitting a man of his station. While there he accepted the teachings of the Friends or Quakers—that despised sect which renounced all forms, ceremonies, and sacraments; refused to pay tithes, take an oath or bear arms; and found in the “inner light” a guide to their conduct. Because of the leveling tendencies of their doctrines and practices, the Quakers were subjected to an unusual amount of persecution. Expulsion from college, whipping by his father, and the “grand tour” to gay Paris divorced Penn from Quakerism only temporarily.

*Pennsyl-  
vania*

Penn was thirty-six when the Admiral died (1670) leaving a considerable fortune, including a claim of £16,000 against the King. Because Charles had more land than anything else, he preferred to discharge his indebtedness by a grant of territory.

Such an arrangement was agreeable to Penn who wished to establish an ideal government where religious freedom, civil liberty, and economic opportunity would be the privilege of all men—the “Holy Experiment” which the great Quaker leader, George Fox, had been preaching for twenty years. By charter of March 4, 1681, Penn became both landlord and ruler of the most valuable territory ever granted by the crown to a single individual. Pennsylvania, as Charles named it in honor of the Admiral, extended five degrees westward from the Delaware, and from “the beginning of the fortieth” parallel on the south to the forty-third on the north.<sup>1</sup> In one important respect Penn’s charter differed from previous ones. Charles had learned how independent colonies could become (particularly Massachusetts) when bound solely by the condition that colonial laws be not inconsistent with English laws. Imperial interests in Pennsylvania were protected, therefore, by the requirement that laws of the colony be sent to the crown for approval or veto; that an agent of the colony, resident in London, be answerable for any violation of British trade laws; and that taxes might be imposed with the assent of the colonial assembly, “or by Act of Parliament in England.”

Some Englishmen, Dutchmen, and Swedes were already living in Pennsylvania when Penn’s first colonists arrived in 1681. Over 1000 settlers were in the province before the proprietor himself arrived in October of the next year. To the growing capital on the Delaware he gave the name of Philadelphia, the “City of Brotherly Love.” Success was the fruit of Penn’s “Holy Experiment.” The colony prospered from the beginning. Indeed it had no legitimate excuse for failure. Seventy-five years of English colonizing experience lay back of it; the region was healthful and rich in natural resources; provisions could be secured from the Dutch and Swedish settlers near by; many of the Quakers were wealthy; and the Indians were friendly. Still, much credit must be given to the wise and generous leadership of Penn. He purchased land from the Indians for the early settlers, thus securing unbroken

*Reasons  
for success*

<sup>1</sup> Because Maryland in 1632 had been granted territory to the fortieth parallel, while Pennsylvania claimed that the “beginning of the fortieth” was the thirty-ninth, a dispute arose which was not closed until 1769. In that year the crown ratified the compromise boundary which was surveyed by Mason and Dixon, 1763–1767.

peace for eastern Pennsylvania.<sup>1</sup> He advertised widely, thereby attracting a stream of immigrants from England, Ireland, and Germany who were glad to escape persecution and at the same time improve their economic status. He offered full religious freedom to all who acknowledged God, although in practice there was discrimination against Catholics as well as Jews. From the beginning office holding was restricted to Christians, and at a later time (1706) Catholics too were barred; but in no other colony did a higher degree of toleration obtain. By 1689 the population of Pennsylvania was probably 12,000—a heterogeneous collection of English, Welsh, Scottish, Irish, Dutch, Swedes, Germans, and others—and Philadelphia, with its stiffly regular streets and bustling activity, was bidding fair to become the leading city in America.

*Government* Penn's ideas about proprietary rights of government were tempered by his determination that his people should be governed by laws of their own making. Consequently, when his first assembly objected to his complicated "Frame of Government," which was submitted in 1682, he promptly incorporated some changes which that body recommended. Other modifications followed; then in 1701 the "Charter of Privileges" became the organic law. It lasted to the end of the colonial period.<sup>2</sup> Because the council, like the assembly, had been elective from the beginning, Penn did not have the control common to other proprietors. Under the charter of 1701, therefore, the council was made appointive, and at the same time it lost its legislative functions. Pennsylvania, unlike other colonies, subsequently had a one-house legislature.

In common with other proprietors, Penn did not enjoy as large financial returns from his colony as he expected or as its success seemed to justify, and in still other ways he became somewhat disillusioned. Pennsylvanians showed the usual disposition to evade the payment of quitrents and criticized his policies so freely as sorely to test his equable Quaker spirit. His heirs experienced even more trouble, but retained title to the colony until the Revolution.

<sup>1</sup> Another important factor making for peace was the subjection of Pennsylvania Indians to the Iroquois, who were allies of the English.

<sup>2</sup> For about two years, 1692–1694, Pennsylvania was a royal colony.

When the Duke of York took over New Netherland (1664) he extended jurisdiction to the Swedes and Dutch living in the region that is now the state of Delaware. Shortly after the founding of Pennsylvania, some residents of Delaware—the Three Lower Counties or Territories as they came to be called—asked to be united with that colony in order to enjoy its privileges. The arrangement was agreeable to Penn, who wished to control the water approaches to Pennsylvania. Accordingly (1682) the three counties were added to his colony as a gift from the Duke of York. In 1703 they became a separate colony with an assembly of their own, but remained under the political jurisdiction of Pennsylvania until the Revolutionary War. *Delaware*

The last of the original thirteen colonies, and the only one of the number to be founded in the eighteenth century, was Georgia. Named in honor of the King, it was created from the unoccupied territory south of the Savannah River, a portion of Carolina chartered in 1663–1665. The Georgia charter was granted in 1732, exactly a century and a quarter after the establishment of the first permanent settlement in Virginia, and the year of birth of the Virginian who led the colonies to their independence a half-century later. Unlike the other colonies, economic and religious motives were of minor importance in the founding of Georgia. Of first consideration from the standpoint of King and Parliament was the desirability of establishing a bulwark against Spain. South Carolinians, too, were greatly interested in a buffer colony, especially after 1715 when the Spanish in Florida had incited the Yamassee Indians to bloody war. Other factors of consequence were the pretensions of the Louisiana French and the possibilities for development of the fur trade in this unappropriated region. *Georgia*

General James Oglethorpe, founder of the colony, was a strong opponent of Spanish interests and claims in North America; but in his case humanitarian motives were dominant. As chairman of a Parliamentary committee which investigated the appalling conditions in English prisons, he became particularly interested in the lot of unfortunate debtors whose chief offense was poverty. Moved by the desire to provide an asylum for them in the new world, he sought and obtained (1732) a charter, granting to him *James Oglethorpe*

and his associates the land between the Savannah and the Altamaha, westward to the "South Sea."

Government of the colony was entrusted to a group of "Trustees" who might not own land in the colony or derive any pecuniary profit therefrom. Laws which they enacted must be approved by the King. After twenty-one years the colony would revert to the crown. Provision was made for a governor, but none for an assembly; religious freedom was offered to all except Catholics; Negroes, slave or free, were prohibited lest the colony's capacity for defense be lessened; and the amount of land one person might own was limited to 500 acres.

*Slow growth  
of Georgia*

Savannah, the first settlement, was founded in 1733 when Oglethorpe led about 130 immigrants to the mouth of the Savannah River. Others followed. Scotch Highlanders and German Protestants joined the English, some of whom were released from jail by act of Parliament. Oglethorpe quickly lost enthusiasm in his plans for the latter, whom he discovered to be lazy "wretches." As an asylum for ex-prisoners the colony was decidedly unsuccessful. Georgia was the only American colony that received direct financial aid from Parliament. Annual grants running as high as £26,000, intended primarily for defense, were a boon to the colony; but for several reasons growth was relatively slow. Restrictions respecting slaves and the size of landholdings turned prospective planters, and even Georgians, to South Carolina; the paternal scheme of government in which the people had no voice produced discontent; there was fighting with the Spanish; the climate proved a deterrent, and the region of fertile soil was unhealthful. In time the restrictions were liberalized, but not until after 1751, when the discouraged trustees surrendered their rights and the colony became royal, was Georgia set on the road of steady progress under a government like that of other colonies.

*ies*

During the early years of mainland colonization the English were founding island colonies as well. The Bermudas were first settled by some shipwrecked Englishmen who were on their way to Virginia in 1609. Soon others were arriving to enjoy the delightful climate, and there tobacco growing for a time became more profitable than in Virginia. From 1612 to 1615 the islands were a part of Virginia, and throughout the colonial period trade

relations were maintained with the mainland. During the Revolutionary period Bermuda sent delegates to the Continental Congress. In the West Indies the English settled various islands, the most important being Barbados and St. Christopher. Here sugar soon superseded tobacco in importance. Jamaica, seized from the Spanish in 1655, quickly proved a valuable addition to the sugar islands. During most of the colonial period England's island possessions were of greater commercial value than those of the mainland, and for this reason were an important factor in shaping her colonial policy.



## Chapter Five

### COLONIAL SOCIAL DEVELOPMENT

#### *Colonial isolation*

WHEN Georgia, the last of the thirteen colonies, was founded (1733) a thin line of widely scattered settlements extended along the Atlantic for more than a thousand miles, hugging the Tidewater save where an occasional river offered attractive inducements for migration farther inland. A great majority of the residents of most of the colonies lived in a state of isolation that is now hard to conceive. Intercolonial communication was necessarily infrequent in a day when the chance ocean vessel made faster contacts with distant places than those offered by land travel. People still turned instinctively to the Old World, 3000 miles (a month or two) away. Yet in another half-century these colonies were to win their independence from England under the leadership of a Virginian born in the same year that Georgia was chartered.

#### *Population growth*

During the century preceding 1732 the colonies were acquiring a measure of that racial heterogeneity which is still a distinctive characteristic of American life. Until 1680 at least nine-tenths of the colonists were English—the Dutch and Swedes on the Hudson and the Delaware being virtually the only exception. But in succeeding years immigration set in from France, Germany, Ireland, and Scotland, attaining splendid proportions by 1730. A colonial population of probably a quarter-million in 1700 expanded tenfold by 1775, much of the increase resulting from immigration. People of English descent retained a heavy majority, but in all probability did not comprise four-fifths of the total in 1790 as estimated by the directors of the first census.

#### *Huguenots*

In 1685 French Huguenots lost their political and religious rights when Louis XIV revoked the Edict of Nantes (1598). Through various devices many of the faithful escaped cruel per-

secutions by migration. A portion of them came to America, settling in South Carolina, New York, and other places along the coast. Although relatively few in numbers, the Huguenots were above average in intelligence and made a valuable contribution to American life.<sup>1</sup>

Many times greater in volume was the German migration. It first became notable with the founding of Pennsylvania, then after 1730 assumed floodlike proportions. Religious and economic tribulations of the poor in the homeland, particularly in the Palatinate district, became unbearable in consequence of wars (Thirty Years War, the War of the Palatinate, and the War of the Spanish Succession) and persecution. New York and the Southern colonies received considerable numbers of these sturdy, home-loving folk, but probably half of the total settled in Pennsylvania. A heavy proportion came as indentured servants, but their powers of resistance were great, and on attaining freedom they commonly became thrifty landholders. They clung tenaciously to their religion, language, and customs, and in due time made large portions of Pennsylvania famous for its fertile, well-tilled fields, rich meadows, and independent farmers. Some of the distinctive racial characteristics of the "Pennsylvania Dutch," as they came to be known, have persisted to the present day. *Germans*

Comparable, if not greater in volume than the German migration, was the parallel movement of the Scotch-Irish. These people were not Irish at all, but were lowland Scottish and English who came from northern Ireland where they had colonized in 1607 and afterwards. By the middle of the century they were turning to America. After 1718, because of harsh English laws and bad economic conditions, the movement was greatly accelerated. These Scotch-Irish settled in all the colonies, but most commonly in Pennsylvania and the South, seeking the fertile valleys along the frontier. The old settlers were glad to see them go west—the farther the better. Not only were they reputed to keep the Sabbath, "and everything else they put their hands on," but they were fearless and aggressive. They were highly individualistic, with confidence enhanced by self-government in the Presbyterian *Scotch-Irish*

<sup>1</sup> Among well-known colonials of partial Huguenot descent are Washington, John Adams, Paul Revere, Alexander Hamilton, and John Jay.

Church, of which they were members to a man. With aggressiveness sharpened by a century of conflict with Catholic Irish and an unfriendly English government, they squatted without permission, if they chose, upon any desirable land that had not been put to use by white men. Frontiersmen par excellence, they interposed a welcome buffer against the Indians whose manner of fighting they quickly understood and reciprocated. By the time of the Revolution the Scotch-Irish and Germans each accounted for about one-third of Pennsylvania's population.

*Scotch*

About the middle of the eighteenth century many proud and unbending Scotch Highlanders swelled the tide of immigration. Having made the mistake of aiding the Pretender to the British throne (Bonnie Prince Charley) they were beaten in battle (Culloden Moor, 1746), then subjected to intolerable servitudes. Because of their belligerent spirit of independence, antagonism toward England, spirited clergy, and frontier activity the Scotch collectively played a leading role in eighteenth-century America, and thereafter supplied a disproportionate share of her intellectual, political, and military leadership.

*Irish, Swiss,  
and Jews*

Other and relatively small racial groups that made important contributions to American life were Celtic Irish, Swiss, and Jews. Roman Catholic Irishmen knew the rigor of English subjection far better than did the Scotch, and, as Americans, did not permit their hatred of England or their love of a good fight to die out. When the Revolution came some of them even fought on both sides. Swiss artisans, and peasants whose future was without hope in a nobility-ridden country, stole away by the thousands to seek homes in the land of opportunity. Jews, fleeing from ancient persecution, came principally from Spain and Portugal, and individually entered business in scattered towns along the Atlantic. Newport and New York City became their chief centers, but to the end of the colonial period their numbers remained small.

Few non-Anglo Saxon immigrants settled in New England—on the eve of the Revolution less than five per cent of its people were of non-English descent—and not many more in New York. Unfavorable conditions and a bad reputation steered them to other colonies. Pennsylvania received much the largest number, but even there the English language and political institutions re-

mained dominant. However, the many non-English settlers—differing in background, language, customs, and allegiance—were making their contributions to the English colonies, which were becoming “American.”

A great share of the immigrants of every nationality (Germans probably most commonly) came to America as indentured servants —a status that did not necessarily bear any stigma except that of being poor in this world's goods. Indentured servants were of three principal classes: (1) redemptioners or free-willers, (2) those who were kidnaped or otherwise forced into indenture, and (3) convicts. The first class were those who voluntarily bound themselves to a term of service, varying from two to seven years, in return for their passage. If they had not made a contract with a planter or his agent, or unless they could find a master on arrival who would pay the cost of transportation, they would be “sold” to the highest bidder.<sup>1</sup> In the second class were unfortunates who were kidnaped or “spirited” onto ships, as well as the poor who were induced to come to America by villainous ship-masters or agents (“soul sellers”) who fleeced them of all they possessed as the price of passage. All who survived the voyage would on arrival from necessity be forced into servitude.

Conditions on board ship during a weary passage of a month or more presented a tragedy of suffering matched only by the slave traffic at its worst. Horrible quarters, rotten and often insufficient food, and epidemics of smallpox and other diseases accounted for a heavy mortality. One extreme example of hardships and tragedy is found in the death of two-thirds of the immigrants on a vessel that wandered on the ocean over five months; another, in the death of 250 passengers out of 312 who began the voyage. Little children seldom reached the land of hope.

By 1775 the “old English custom” of sending convicts to Pennsylvania, Maryland, Virginia, and the West Indies, for the betterment of the British Isles if not for the establishment of early

<sup>1</sup> The cost of transportation was about £5. The buyer might pay from two to four times as much, the difference representing profit for the importer. The common term of service in New England was about seven years; in Pennsylvania and the Southern colonies, four. Sometimes men would buy the indentures of a large portion, or even all, on a ship, then drive their victims through the country until favorable sales could be made. “Soul drivers” they were called.

American families, had accounted for about 40,000 of these undesirables. In the seventeenth century, because of the scarcity of labor, some colonists were willing to have convicts among them—New York in 1693 even asked that all the inmates of Newgate prison be sent to her—but experience produced a revulsion of feeling. However, colonial protests were unavailing. Many convicts were guilty of no worse offense than stealing when hungry, but sufficiently large numbers were confirmed criminals to constitute a menace to society before and after they had completed their usual seven to fourteen years of indenture. The potential bad effect upon American life was probably minimized however by the fact that men greatly outnumbered the women, and in consequence the least respectable men might not secure wives.

*The lot of  
the lowly*

Four years of servitude, varying in nature with the character and temperament of the master, was at worst a harsh existence; at best, a high price to pay for transportation to a land of opportunity. However, the servant had certain rights before the law, and at the expiration of his service was entitled to "freedom dues"—in New England a small amount of equipment or possibly £5; in Pennsylvania and the Southern colonies, fifty acres of land—and scores of thousands, who could not aspire to a bettered condition of life in Europe, entered the ranks of freemen in the colonies with the chance of reaching the highest economic and social standing. At one time within fifty years after the establishment of the House of Burgesses in Virginia, upwards of half its members were ex-indentured servants.

The principal explanation for the existence of indentured servitude in all colonies was the scarcity of free labor. A rural economy, in which every free man could occupy land if he chose, left few for hire. Apprentices partially supplied the need in the Northern colonies, but were a negligible factor in plantation life. Although indentured servants were the basis of economic life in the tobacco colonies as late as 1700, they commonly made poor laborers; and partly for that reason hardened men to the idea of slavery.

*Negro slaves*

Negroes were first sold in Virginia in 1619—probably as indentured servants—but as late as 1650 not more than 300 were held in that colony. Thereafter slave importations increased, espe-

cially after 1697 when the monopoly of the Royal African Company was broken. Ships from Boston, Newport, New York, and Charleston then extended the flourishing business, and eventually in all the colonies the institution was given legal recognition. Throughout the seventeenth century indentured servants outnumbered slaves in the Southern colonies, and always outnumbered them in New England. After 1700 the less satisfactory white servant rapidly gave way to the Negro slave on Southern plantations. But in New England, excepting a portion of Rhode Island, the small farms, specialized activity, and rigorous climate, especially in fishing, made slaves less satisfactory than indentured servants and thus kept down the proportion of blacks to whites.

The Puritan elect, both in England and America, had few scruples against slavery, particularly if profits were to be had from the traffic. The godly Oliver Cromwell considered the Irish fit material for bondage and sold some of them into the West Indies. When the congregation of Cotton Mather presented him with a Negro slave, that grateful ecclesiastic looked upon the act as an intercession of divine providence. Peter Faneuil, the honored citizen of Boston who made a gift to the city of the hall which is called the "Cradle of Liberty," amassed a fortune in the ghastly slave traffic. In the eighteenth century New England colonies conducted most of the trade, Rhode Island leading the pack. In 1770 she had 150 vessels engaged in the business.

*The foreign  
slave trade*

At trading posts along the slave coast, slavers exchanged rum and other articles for Negroes who had been brought by native slave hunters from the interior. The infirm who were rejected were left to die; those who were crowded into the unsanitary quarters of the slave ship might well meet the same fate during the horrors of the "middle passage." On the average, perhaps ten per cent died before arrival in the West Indies or the mainland; the "seasoning time" (about three years) took an added toll of about one-half. In the heyday of the traffic possibly 50,000 a year left African shores. Probably one-tenth of the total were brought to the mainland colonies. In 1775 the Negro population of the thirteen colonies is estimated at 500,000, one-fifth of the total population. In Virginia the Negroes were almost as numerous as the whites; in South Carolina they outnumbered them two to one.

*Treatment  
of slaves*

The treatment of slaves varied with masters and the type of service to which bound. Domestics in general were well cared for, and between bond and free a feeling of mutual sympathy and affection was common. But field hands, particularly on the rice plantations of South Carolina, generally endured a hard lot, sharpened by severe punishment if they were intractable or if they failed in an attempt to escape.<sup>1</sup> A great many of the slaves were cheerful in their servitude, but occasional insurrections, such as those in New York (1712) and South Carolina (1739), were evidence of unrest serious enough to cause grave alarm. The evil of miscegenation appeared early, growing proportionately with the fading color barrier.

*Efforts to  
limit impor-  
tation*

With the multiplication of Negroes in the colonies some leaders saw a social danger which they tried to avert by legislation restricting importation. Massachusetts, Maryland, Virginia (no less than thirty-three times), and South Carolina enacted laws imposing heavy head taxes on imported slaves, but the selfish interests of English merchants always weighed more heavily with the crown than the well-being of the colonists. All such measures were annulled. Thomas Jefferson did not forget this when he drew up his famous list of indictments in the Declaration of Independence.

*Classes of  
society*

The first English settlers brought old-world ideas of class distinction with them, but the hardships of frontier life, where every man was potentially as good as any other, soon largely disabused their minds of such notions. An overwhelming proportion of the people coming to America—whether colonists or immigrants, from the earliest days to the present—were of the middle and poor classes. Even in Virginia the migrating gentry was evidently far less numerous than was once believed, although a portion of the “Cavaliers” who sought refuge in that colony when Cromwell’s “Roundheads” defeated them were aristocrats, and others became so with the acquisition of wealth. In 1700 the powerful families of Virginia probably did not exceed a hundred, but they monopolized public offices and dominated the social and

<sup>1</sup> In several colonies surviving records show execution by such brutal methods as hanging and quartering, and burning at the stake. For some lesser offenses revolting mutilation was practiced, and whipping to death was not uncommon. However, it should be remembered that it was an age of cruel punishments.

economic life of the colony. Men like Robert Beverley, William Byrd, William Fitzhugh, and Richard Lee II had intellectual interests which dispel the idea that the first tobacco aristocracy of that colony was only of the drinking, fox-hunting variety. Actually these gentlemen of the seventeenth century furthered an ideal which explains the intellectual heritage of their great descendants in the eighteenth—the Washingtons, Jeffersons, Lees, Masons, and Pendletons.

By the beginning of the eighteenth century a well-defined and controlling aristocracy of governors, great Southern planters, and wealthy Northern merchants was emerging throughout the colonies. The men of this small class were known as gentlemen, bore the title of "Esquire" or "Mister," and enjoyed the leisure made possible by an independent income. They controlled politics, cultivated the amenities of cultural living, and protected their station by intermarriage. Urban aristocrats engaged in commerce and merchandising, and developed imposing estates at the edge of town; great landowners in New York and Virginia enjoyed the enviable life of country gentlemen. The Livingston estate in New York comprised 160,000 acres; the Beekman, 240,000; and the Rensselaer, 700,000. In Virginia Robert Beverley possessed 37,000 acres, John Carter 18,500, and William Byrd I 15,000, yet the day of the really large estates in that colony was in the future.

*Aristocracy*

The mass of freemen belonged to the middle class of yeoman farmers and artisans. They were commonly ambitious, emulated the aristocracy, and rose to membership in that privileged group as the accumulation of wealth permitted. In the earlier years little class feeling existed, although as early as 1650 New England laws forbade commoners to dress "above their station," while seating at church and listing of students in college were according to social rank. Poorer farmers and wage earners generally—sprung largely from indentured servants and commonly lacking the initiative to improve their status—had to be contented with a lot that did not offer great promise. Their greatest contribution seems to have been a multitudinous offspring. Below this class were the indentured servants, and at the bottom, with no chance of ever being elsewhere, the slaves.

*Middle and lower class*





WHIPPLE HOUSE, IPSWICH, MASS. BUILT ABOUT 1640

*Photo by Brown Brothers*

### *Houses*

The everyday existence of the average seventeenth- and eighteenth-century colonial family seems crude in comparison with the comforts of twentieth-century living. Contrary to a persistent myth, the log house was hardly to be seen before 1700, although it was introduced by the Swedes when they settled on the Delaware. Not until the great immigration of Germans and Scotch-Irish in the eighteenth century did the log cabin become the typical frontier dwelling. The first English colonists built rude shelters of wattles or planks placed upright, progressing to frame houses of some variety. Not until the eighteenth century did stone and brick in the North and brick in the South become common in construction.

During the first century of settlement nails, glass, and paint were so scarce that the owner of a small house might, on moving, burn it in order to save the precious nails. Houses were built for utility and were lacking in most comforts, including porches.

Tall-columned porticoes, like those at Mount Vernon, appeared shortly before the Revolution. But, as means permitted, the natural love of beauty found expression in old-world architecture modified to meet conditions of climate or the availability of building material. Thus the better types in New England, New York, Pennsylvania, and the South differed from one another, each possessing a measure of grace and dignity. After 1720 the more wealthy in all sections copied the Georgian style, often attaining a happy result in proportion, line, and simple beauty. With their high ceilings, graceful stairways, paneled walls, expert carving, and polished floors, houses like Westover and Shirley in Virginia and the Lee mansion in Massachusetts survive as patterns to be copied by architects of the present. Old Williamsburg, restored through the munificence of John D. Rockefeller, Jr., recalls the

**DOUGHOREGAN MANOR (1727), MARYLAND. HOME OF CHARLES CARROLL, LAST SURVIVING SIGNER OF DECLARATION OF INDEPENDENCE**

*Photo by Hughes Co. Courtesy Maryland Historical Society*



setting and tempo of another day. The contributions made by this colonial capital in its heyday toward the refinement of American taste can not be calculated. Williamsburg is a living symbol of our history—"That the Future may learn from the Past."

Splendid homes necessitated a retinue of servants, and helped Southern planters to justify slavery. For example, the task of keeping Nomini Hall's twenty-eight fireplaces supplied with wood was not a light one; and there were many other duties besides. House furnishings were of the best England could afford—mahogany furniture, silver and china, perhaps a harpsichord, and books.

*Homes of the poor* Whether the houses of poorer people contained one or more rooms, the kitchen with its great fireplace was the family center. There the indoor work was done and the meals eaten—commonly from wooden plates, or even hollowed places in the boards of the table top, and without forks in earlier colonial days. The labor entailed in making the family self-sufficient in the day of the spinning wheel, of unscreened, candle-lighted houses, of cooking before an open fire, and of rearing many children left to the housewife little opportunity to cultivate social graces or to indulge an innate love for the beautiful. In winter men could be useful, but the spirit moved them to shave but seldom, and to bathe not at all. In the summer they could go swimming.

*Dress* Because dress was considered a badge of social rank, ambitious colonials attached much importance to their appearance. Even the Quakers fell into line, although in early days they had heeded the admonition of Penn who favored sober garments. "Did Eve . . . and the Virgin Mary," he asked, "use to curl, powder, patch, paint, wear false locks of strange colors, rich points, trimmings, laced gowns, embroidered petticoats?" The poor, it is true, in their homespun woolens and linens—barefoot in summer and cowhides in winter—were compelled to postpone aspirations for social prestige. But many "commoners" dressed beyond their means, to the great annoyance of the gentry. By the eighteenth century colonials of fashion were trying to keep up with the London styles—a hard task when months elapsed before an order might be filled in London, and when goods were often "damnified" on the voyage to America. Fortunately styles changed but slowly. A father might bequeath his best velvet suit to his son

without fear that it would be used for masquerades only. Colonial dames bought English dolls in order to copy styles in gowns.

Gentlemen in their best were as colorful as males of the feathered species. Silk stockings, plush, velvet, or silk knee breeches, coats of broadcloth, velvet, or plush of every color, including scarlet, lace ruffles at neck and sleeves, and wigs to top the ensemble make the modern man a drab creature by contrast. The attire of ladies, while not so striking in comparison with that of gentlemen, was as varied as the looms of the day permitted. Costly gowns, furs, hats, gloves, shoes, silk hosiery, and fans figured prominently in their wardrobes. Hairdressing was an art.

After the first years of struggle our colonial forefathers did not lack for food. They produced nearly all fruits and vegetables *Food* grown in the same areas today, but experienced great difficulty in preserving perishable foods. Consequently, during the winter months, most people endured a limited diet in which salted meat and fish and corn bread were staples. The abundance of wild game often provided relief. Oranges were grown in South Carolina, tomatoes were considered as a decoration rather than a food, and butter in most localities was a luxury. Chocolate was common before tea and coffee began winning converts early in the eighteenth century.

Partly because of the strenuous outdoor life, colonial men were heavy eaters. Indeed, eating and drinking were the chief indoor *Drink* sports. Several kinds of meat, game, and fish at a sitting were not uncommon on special occasions, and a great amount of salted meats seemed to demand a fiery supplement. Liquors of many kinds were consumed on all important occasions and often in between. Boston and Newport were centers for rum; fruit was grown as much for brandy, cider, fling, or claret as for eating; ale, beer, and wines were imported; whiskey was distilled and persimmon and other beers brewed according to locality; cider was universal. The wealthy bought most of the imported wines, while the poor indulged in the cheap and potent New England rum if not satisfied with homemade drinks. Tobacco, smoked in pipes or taken as snuff, was another common indulgence. Cigars and cigarettes appeared after the colonial period.

Although the colonial period was one of heavy toil for most of

*Social  
recreation*

the people, everybody found time for amusements. Seventeenth-century Puritan fathers, it is true, dampened the spirits of the youthful; but human nature being what it is, life even in New England was not devoid of gaiety. Quilting parties, weddings, apple-parings, and other less formal gatherings offered an opportunity for meeting without too much surveillance. With the relaxation of Puritan rigor early in the eighteenth century, even dancing appeared; but many there were who still believed with Penn that the steps of those who indulged in the sinful pastime were just so many "leaps to hell." Frontiersmen found occasion, what with logrolling, house-raising, and weddings, to relieve the monotony of their isolated existence in boisterous hilarity.

In the South dancing was the most favored recreation. Everybody danced. Most popular were jigs, square dances, and the Virginia reel. Young people with a social position to be won or upheld patronized dancing masters, of whom there were many. At formal parties the stately minuet tested the grace and gentility of social intercourse in its most attractive form. Music was so much enjoyed in the eighteenth century, particularly in the South, that the playing of an instrument was a popular accomplishment. Interest in the drama lagged behind. Not until after 1730 was it becoming fairly well established in the largest cities, although Williamsburg had a theater as early as 1716.

*Sports*

In masculine sports the period offered a wide choice ranging from the shooting matches, gander pulling, and rough-and-tumble fighting of the backwoods, to football, quoits, cricket, bowling, billiards, shuffleboard, marbles, and tops in the more sophisticated older sections. Cockfighting was the great colonial favorite. In Virginia fox hunting, with foxes imported from England, was much enjoyed; but there horse racing became the king of sports—reserved for gentlemen. After 1730, when the first blooded stallion was imported, the ownership of fine horses increased rapidly in New England as well as the South. Card playing was heavily indulged, as shown by the enormous importations of cards; gambling was a common vice, and the lottery was favored everywhere even among Puritan ministers.

*Marriage*

Social recreation among the young people pointed to early marriages, a consummation sometimes expedited among the

poor by the custom of bundling. In a pioneer state of society mates were in great demand, and partly because women were in the minority it was a special reproach for a marriageable one to remain single.<sup>1</sup> Girls often married at the age of sixteen; at twenty they might be considered "antique virgins." In a day when large families were the rule, childbearing and hard work accounted for many early deaths. The day was far distant when the lot of women would be as easy and free from discriminatory restraints as that of men, but the unchangeableness of human nature supports occasional records of feminine independence not unlike that of the twentieth century. For example, the frequent advertisements for runaway wives suggest that although legal divorces were rare, separations were not.

Colonial education and intellectual interests were limited. Relatively few possessed a higher education although among the upper class cultural and disciplinary subjects like mathematics, Latin, and Greek were studied both for their intellectual value and because a knowledge of them distinguished the possessor from the lower classes. A great majority of the people had no book learning at all, or at best knew only the rudiments of the three R's. *Education*

In Massachusetts steps were taken at an early day to make possible elementary education for everyone. There, by act of 1647, provision was made for setting up what is considered the first school system in the colonies. The measure required each town of fifty families to provide a master to teach all children to read and write; towns twice as large were to "set up a grammar school" to fit youth for Harvard. Poorer towns preferred to pay the £5 fine attached for noncompliance. The main reason for these provisions was that the young be able to read the Scriptures, and that boys be prepared for Harvard in order that a sufficient supply of educated ministers be available. Other New England colonies, excepting Rhode Island, followed the example of Massachusetts. As a rule girls were not permitted to attend public schools in New England. *New England*

<sup>1</sup> According to a curious colonial custom, second husbands were responsible for the debts of the first, "unless the bride were married in her chemise in the King's Highway."

*Other  
colonies*

Outside New England, Maryland was the only colony to lay foundations for a system of public education. Others relied for the most part upon private schools and tutors. Planters who thus made provision for their own children did not feel called upon to maintain schools for the poor. Because the best education was to be had abroad, many of the more wealthy families sent their sons to London or Edinburgh, and in later years to the better Northern colleges. If the value of an education were to be measured by the quality of the leadership produced, that of eighteenth-century America was second to none in modern times.

*Colleges*

The interest of early colonists in higher learning is most graphically shown by the founding of colleges. Massachusetts was first; in 1936 academic America proudly joined Harvard in the celebration of her three hundredth anniversary. Virginia was second with the College of William and Mary (1693), named for the sovereigns who granted the charter to James Blair, the Scotch Anglican president of the college for fifty years. Several previous attempts had been made to establish a college, the first in 1618. At that time the Virginia Company set aside 10,000 acres of land, and money was collected for a "university," but the "Great Massacre" of 1622 wrecked the enterprise before the plans could be consummated. Yale (1701), established like Harvard under Puritan auspices, was third.<sup>1</sup> The only colonial college not under theological control was the "Academy" of Philadelphia which was founded through the labors of Benjamin Franklin. As might be expected it was the most liberal in its curricular offerings.

*Newspapers  
and books*

Extensive reading was uncommon. The first press was set up in Cambridge in 1638. The first successful newspaper was *The Boston Weekly News Letter* (1704); by the middle of the century nearly all the colonies had them. But the circulation of all was small, and the news of a limited character. Everywhere the Bible was diligently studied. Probably second in popular esteem were the almanacs, which contained enough "scientific" information and light reading to satisfy the average man. Printed

<sup>1</sup> Six other colleges were founded during the colonial period: the College of New Jersey (Princeton) in 1747; the "Academy" at Philadelphia (University of Pennsylvania) in 1749; King's College (Columbia) in 1754; Rhode Island College (Brown) in 1764; Queen's College (Rutgers) in 1766; and Dartmouth in 1769.

sermons and theological discourses were popular too, but lacked appeal for many of the younger people. Books on law and government were common toward the end of the colonial period. Private libraries were limited for the most part to professional men, wealthy merchants, and planters. William Byrd III possessed probably the largest private library in America; that of Cotton Mather contained about 4000 volumes.

Excepting the ministry, the professions developed slowly. This was notably true in the field of medicine. Many colonists went to Scotland and England for professional training, but their numbers were small in proportion to the total population. In an age when most people, including some doctors, believed in supernatural agencies as a cause for sickness—perhaps God's device for purification or punishment—and when there was no knowledge of disease germs or antiseptics, it is not surprising that an appalling number of infants and mothers died. Purging and bleeding were stock remedies, tried and true. Most concoctions were marvelous in their catholicity and were usually either harmless or else of such virulence as to test the patient's power of resistance. Those who passed the age of adolescence were likely to be so tough as to attain a ripe old age. *Medicine*

The subject of crime and punishment is always unpleasant. The colonial period was cruel even in its godliness; its penalties for offenses against society were many and, according to present-day standards, excessively severe. Homicide was uncommon, but the large proportion of ex-convicts and low-grade indentured servants contributed to the great number of lesser crimes. Despite the great influence of the Church in several of the colonies, and in spite of harsh laws and early marriages, sexual offenses were more numerous than all other varieties combined. *Crime and punishment*

Massachusetts, in 1641, made 10 crimes punishable by death.<sup>1</sup> By the turn of the century laws of four New England colonies at various times listed 30 capital crimes; but in Old England there were over 200! Thereafter in these colonies the death penalty was actually inflicted for only two crimes—murder and

<sup>1</sup> Murder, witchcraft, blasphemy, heresy or idolatry, manstealing, treason, poisoning, bestiality, sodomy, and adultery. In Virginia the third offense of hog stealing was a capital crime. After the early days of Penn's Holy Experiment Pennsylvania had fourteen capital crimes.



piracy. Punishment short of execution took many forms, such as physical mutilation—branding, boring the tongue, slitting the nose, or nailing the ears to the pillory—whipping, the wearing of the scarlet letter, heavy fines, imprisonment, sitting in the stocks, and ducking.

*Religion*

Of incalculable importance in the life of colonial America, as of any age, were things of the spirit. In New England, founded by Calvinistic Puritans, religion played a far greater role than it did in the plantation colonies. Conditions in that "stern and rockbound coast" provided a favorable setting for the harsh doctrines of Calvinism—predestination, infant damnation, and the salvation of none but the "elect." Believing that all men were born in sin, even the elect might win favor with an angry God only by unremitting soul-searching. Moreover, it behoved the godly to be vigilant in arresting the wayward steps of their neighbors. Hence the numerous laws (including "blue laws" for Sunday observance) designed to regulate details of conduct, and the long-winded sermons intended to frighten men into goodness by the fear of everlasting punishment.

*Decline of  
Puritanism*

However greatly Puritanism may have contributed toward stiffening the moral fiber of Americans, it was inevitable that its dogmatism should weaken as life became easier. Other influences tending in the same direction were the appearance of Anglican churches in the principal towns after Massachusetts became a royal colony (1684) and the leadership of "modernists" at Harvard. By 1700 a marked tendency toward liberalism had appeared. Instrumental in this change was the heavy, self-inflicted blow sustained as a consequence of the Salem witch hunt of 1692. Belief in witchcraft was ancient, and after 1484 had the authority of the Catholic Church. Thousands of "witches" were burned or hanged in Europe; a few in America, beginning as early as 1648. The great divines, Increase and Cotton Mather, lent the prestige of their names to belief in the "Damned Art." At Salem, in the spring of 1692, several adolescent girls, after listening to the strange, wild tales of a West Indian slave, accused some old women of bewitching them. The hysteria thus begun did not end until prominent persons were accused. In the meantime nineteen victims were hanged, one pressed to death for



**BRUTON PARISH CHURCH (BUILT, 1710-1715), WILLIAMSBURG**

*Courtesy of the Virginia Conservation Commission*

refusing to plead to the indictment, and many imprisoned. Other colonies had trouble with witches, but only in New England were any actually executed.

The first quarter of the eighteenth century was a period of decline in religion. Puritanism had lost its fire; the Middle colonies were rather complacent; and in the South the more liberal Anglican Church was losing ground because of the unspiritual leadership of some of its card-playing, fox-hunting clergy. Moreover, a sermon in the form of a learned fifteen-minute essay on the abiding grace of God could hardly produce the same consciousness of sin as a two-hour discourse upon the frailty of human flesh. Conditions in Maryland were particularly "scandalous." The times were ripe for a spiritual revival.

*The Great  
Awakening*

In 1734 a revival, called the Great Awakening, began in New England under the leadership of Jonathan Edwards and spread in successive waves through the colonies. Although Edwards was one of the most intellectual of Americans, he clung to the narrow, outworn dogmas of seventeenth-century Calvinism. But he did appreciate the importance of the individual, and believed that conversion was the gateway to a religious life. After a short lull, George Whitefield arrived from England to continue the work through the colonies. Both Edwards and Whitefield pictured the torments of the lost and the glories of the saved so eloquently as to drive thousands of the lower classes into the ecstasy of salvation.

The results of the Great Awakening were important. Because of it the common man found religion an experience of warmth and hopefulness; he came to exert a stronger influence in church affairs, and was instrumental in splitting the Congregational and Presbyterian Churches. The spirit of humanitarianism was strengthened, and a new impetus given to higher education. Princeton, Brown, Rutgers, and Dartmouth are the most lasting monument to this first great American revival.

■

## Chapter Six

### COLONIAL ECONOMIC DEVELOPMENT

HOWEVER impelling other forces may be as motivating influences in human conduct, the chief interests of most people, most of the time, are economic in nature. A great majority of English colonists, as well as immigrants from other countries, came to the new world in order that they might secure for themselves and their children a greater share of the earth's bounty. Prior to the eighteenth century at least nine-tenths of the settlers were farmers, although they might combine such activities as hunting, fishing, and carpentering.

Because agriculture was of first importance, it followed that everywhere the possession of land was a major interest. In New England the common practice was for the colonial government to grant a free tract of land, usually about forty square miles (the New England "town"), to a group of men who thus became "proprietors." The proprietors would then lay out a village for themselves, allotting the arable lands as they were cleared and reserving the remainder for common pasturage and timber lands. In time the holdings of the individual would be in the form of several tracts scattered throughout the township. However, with all its inconveniences, the system encouraged a democratic and social interdependence without destroying private initiative.

*New England  
landholding*

Some early settlers in every town had no land, but were permitted to use the common lands. When such lands were allotted among the proprietors, or when the wealthier farmers bought up the tracts of others, it left many without holdings. Moreover, in the eighteenth century the old practice of granting land to proprietors was abandoned in favor of sales to land speculators. The result was bitter class hatred between the small farmers and the favored citizenry who enjoyed the fruits of the soil without cultivating it.

*Land system  
in Middle  
and Southern  
colonies*

In the Middle and Southern colonies during the seventeenth century lands were commonly granted in the name of the King or proprietor to individuals, subject to a small annual payment, or "quitrent."<sup>1</sup> Until the Revolution anyone bringing another to Virginia or Maryland was entitled to a headright, commonly fifty acres.<sup>2</sup> The indentured servant usually received a similar amount of land on the completion of his service. Fraud crept into the headright system with the result that great estates were created by the simple expedient of presenting names copied from old record books. In the eighteenth century the most common method of acquiring land was through purchase, a practice which enabled planters to acquire even larger tracts. The law of primogeniture (all land descend to eldest son) tended to keep these great estates intact. In the Southern Tidewater after 1725 little good land was to be had; consequently poor men had to go to the back country to secure farms. A similar situation obtained in the Middle and New England colonies.

Everywhere the members of the ruling upper class controlled the colonial assemblies to their advantage. Social and economic cleavage between the small farmers and the aristocracy of planters and merchants—between poor frontiersmen and Easterners to whom they were indebted, and between the unenfranchised and the franchised—was the result. Such conflicts flared up in different colonies at different times, and did not end with the Revolution. The earliest and greatest of all was Bacon's Rebellion in Virginia in 1676; second in importance was the Regulator's War in North Carolina which was terminated in 1771.

*Farming  
Methods*

Seventeenth-century farming in the colonies differed to such degree as climate, soil, and English trade regulations were appreciable factors; but everywhere old—often the older the better—unscientific methods prevailed. In many respects no progress had been made since medieval days. Most farmers planted by signs of the moon, resorting to prayer for the rectification of mistakes. Implements were few and crude. The plow was wooden for the most part, and in some localities was so heavy

<sup>1</sup> See footnote, page 51.

<sup>2</sup> The headright system was used in most of the colonies, especially in the seventeenth century.

and unwieldy that four oxen and two men were required to direct its ground-breaking inefficiency. Most farmers attempted to grow crops without plowing. In New England's hard, rocky fields, so it was said, farmers planted corn with a gun and sharpened the noses of their sheep for grazing between the rocks.

By the eighteenth century progressive English farmers were abandoning the three-field system and turning to the use of turnips, clover, and other crops, together with rotation, as a means for fertilizing the land. Americans lagged behind because the dearth of labor and the cheapness of new land made it easier to abandon old fields rather than preserve their fertility. "Land butchery" was practiced in all the colonies but was especially prevalent in the South, since tobacco destroyed soil fertility more rapidly than other crops. *"Land butchery"*

The colonial farmer's treatment of his livestock was no better than that of his land. Draft animals—oxen were used to a greater extent than horses—were commonly overworked, poorly fed, and but little sheltered. Milk cows were given a little feed, but other cattle ranged for their scanty winter fare. All stock was undersized, partly because of ancestry and inadequate feed and partly because it was allowed to run freely without restraints in natural selection. Hogs deteriorated into the "razorback" variety, adapting themselves to the requirements of their rough existence by evolving a formidable prow and a chassis built for speed. In the South horses and cows, as well as hogs, ran wild. Hunting wild horses with dogs was a seventeenth-century Virginia sport; but cows were so keen-scented that they were stalked with guns. Sheep raising in the colonies was subjected to the special hazard of wolves, and was not profitable except on islands until the frontier was well advanced on the mainland. *Livestock*

Although colonial agriculture was conducted in a wasteful and unscientific manner, the American farmer, in the eyes of Europe, was a prosperous creature. He not only had an abundance of food but, except in New England, a surplus of some kind of agricultural commodities for sale in Europe and the West Indies. Corn was the staple of first importance from northern New England to Florida. Tobacco, the leading product of Virginia and Maryland, was second, and was the most important main- *Principal crops*

land export from the early days of Virginia settlement to the Revolutionary War. In Maryland and North Carolina tobacco was used as currency throughout most of the colonial period. Wheat and other small grains were grown everywhere but were particularly important in the agricultural economy of New York and the Delaware region. From these "bread colonies" a surplus of wheat, flour, and meat went into foreign trade.

*Rice*

Until the 1690's South Carolina's agriculture was diversified; thereafter rice rapidly became the staple product as planters reaped profits as high as forty per cent in its culture. The successful growing of rice was begun in the Charleston area shortly before 1690. According to tradition the first seed (Carolina Gold Rice) was a gift of the captain of a storm-driven vessel, bound from Madagascar to Liverpool, which put into Charleston for repairs. Both soil and climate proved favorable, and production expanded so rapidly that by 1700 a port official of Charleston complained that not enough ships were available for export.

Until the middle of the eighteenth century rice was grown on inland swamps. This entailed the construction of many dams and ditches to impound and release fresh water, which must be supplied at the proper times. Under this system either a freshet or a dry season meant partial or complete failure of a crop; consequently the inland swamps were gradually abandoned in favor of the great swamps bordering fresh-water tidal rivers, where the rise and fall of the tides could be utilized at will both for irrigation with fresh water (because salt was fatal) and drainage. There were eleven of these "rice rivers" from the Waccamaw to the Savannah—the "Rice Coast," as it came to be known. Developing a rice plantation in such a locality involved a tremendous amount of labor. First a strong bank, or levee, was built along the river's edge so the tidal overflow could be excluded. Flood gates ("trunks") were then installed, after which came the digging of canals and the clearing of ancient cypress, gum, and other trees.

Producing a successful crop meant careful attention to details of planting—even to the exact time for best avoiding the destructive clouds of rice birds (bobolinks), both in their spring and fall passage—flooding, cultivation, and harvesting. The

lovable bobolink was only one of many hazards. The omnipresent muskrat and alligator sometimes undermined banks, with disastrous consequences. Freshets might cover fields at the wrong time, or an occasional hurricane force salt water inland, wrecking both banks and crops and leaving the land unsuited for rice for several years. If these hazards were safely passed the planter often harvested from thirty to fifty bushels per acre. By 1725 Charleston exported 100,000 barrels. In Georgia, after the introduction of slavery in 1750, rice growing likewise developed rapidly. Rice planting on a considerable scale necessitated slaves, not only because of the labor involved but because white men could not stand the malarial conditions of swamp lands. Negroes, by virtue of long residence in African jungles, were immune.

Second only to rice, as a staple product of South Carolina and Georgia before the Revolution, was indigo.<sup>1</sup> This valuable herb, *Indigo* native of India, was found adaptable to the soil and climate of the West Indies, where the French made its production profitable; but attempts at cultivation in South Carolina failed until shortly after 1740 when a young woman, Eliza Lucas, proved its practicability as an upland crop. At that time rice, grown only on swamp lands, was the sole agricultural export of the colony. Lieutenant-Colonel Lucas, governor of Antigua, had left his sixteen-year-old daughter, Eliza, in charge of his plantation on the Ashley River. Her first efforts to produce indigo were frustrated by unforeseen difficulties, including dishonest managers ("Indigo makers") sent by her father to superintend the extraction of the coloring matter from the plants. They did not wish Carolina to be a competitor of their native island of Montserrat. A Negro manager was then secured from one of the French West Indies, and by 1744 the experimental stage was virtually over.<sup>2</sup>

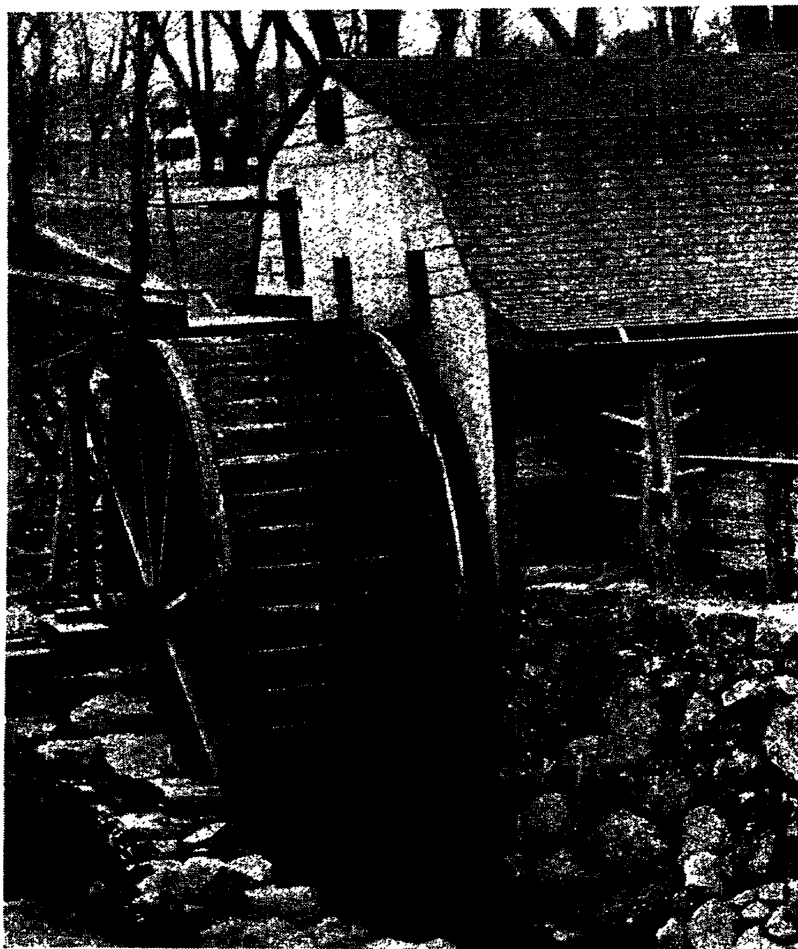
The making of indigo required much care from the planting to the final preparation for marketing. Seed was expensive, the

<sup>1</sup> The indigo plant is a member of the pea family, and grows to a height of three to five feet. It yields a coloring matter making possible the dyeing of cloth to any desired shade of blue. Before a sea route to India was opened the only blue vegetable dye available in Europe was the expensive product derived from a small herb called woad.

<sup>2</sup> In that same year Miss Lucas was married to Colonel Charles Pinckney. General Thomas and Charles C. Pinckney were her sons.



soil had to be carefully prepared, and the plants watchfully cultivated. Then, at the time of flowering, came the critical period of processing the leaves, from which the coloring matter



MILL, NEW LONDON, CONN. ERECTED 1650

*Photo by Brown Brothers*

was extracted. The leaves, having been cut at just the right moment, were soaked and beaten in vats until fermentation produced a yellow liquid, which gradually changed color as it was drawn into successive vats at just the right stages until the

final product was dried cubes of blue. Several days of constant watching and labor were imperative. Such a loathsome odor and unhealthfulness attended the process that only slave labor could be employed profitably. The sediment, if not immediately buried, provided a breeding place for incredible swarms of flies.

By way of encouraging the new crop, Parliament in 1748 provided a bounty of six pence per pound. Production in the French West Indies declined, and Carolina planters realized net profits running as high as fifty per cent. Shortly before the Revolution a million pounds were exported annually.<sup>1</sup> Thus indigo helped rice fasten slavery upon the lower South long before cotton became a prominent staple crop.

Although colonial life was dominantly agricultural, a considerable amount of industry, manufacturing, and commerce obtained from the seventeenth century, developing into impressive proportions before the Revolution. Living under rather isolated conditions and lacking ready money, farmers' families managed an almost entirely self-sufficing economy. In all colonies they spun and wove linen and wool for clothing, tanned leather for shoes, and produced in addition nearly all the furnishings and equipment used in the home or in the fields. Salt, guns, iron for the smithy, perhaps an occasional article of luxury, constituted the principal purchases.

*Household  
industries*

Many estates in the Southern colonies likewise were largely self-sustaining. But the great tobacco planter, residing upon a river like the James or York, up which ocean-going ships came to their own private wharves, commonly imported many articles such as tools, clothing for the family, house furnishings, wines, and other luxuries. Once a year he shipped his tobacco to a London merchant, with an accompanying order for goods which often cost more than the tobacco would bring.

With the passing years manufacturing on a household scale expanded into production on a commercial basis, sometimes aided by legislative enactment. Virginia in the 1660's ordered the establishment of tanneries in each county and forbade the im-

*British  
reaction to  
colonial  
industries*

<sup>1</sup> The withdrawal of the bounty and the development of cotton as an upland crop, together with the competition of the East Indies, caused a rapid decline in the industry before 1800, although production for local consumption continued in some districts of South Carolina until the end of the Civil War.

portation of goods for sale. Similar action for the protection of home industries was taken by Connecticut, Massachusetts, and other colonies. Before 1700, bounties for woolen cloth were offered in several colonies, and in New England sufficient advancement had been made to permit exports to other colonies. But not for such purposes were colonies supposed to exist! Parliament in 1699 forbade the shipment of wool or woolens from one colony to another, or to a foreign country, thus effectively arresting progress in the industry. In 1732 Parliament imposed the same restrictions on hats; however, except in New York, the law was evaded and the business continued to thrive.

*Iron*

An early industry, one that has expanded to the present day, was iron working. The first iron works were built in Virginia but were destroyed by the "Great Massacre" of 1622 before production began. Less than fifteen years after the founding of Boston, Massachusetts established a furnace and forge at Lynn. Other colonies followed, but not much progress was made before 1700 although bog iron scraped from the bottom of marshes could be worked rather easily. Thereafter advancement was rapid. By 1750 the center of the industry had shifted to Pennsylvania, and by the Revolution the colonies were producing more pig and bar iron than the mother country. Because charcoal was used for smelting during the colonial period, and as English forests were in danger of extinction, the British government encouraged the production of raw iron, but after 1750 Parliament forbade the turning out of finished products.

*Fishing*

An industry highly important to New England—one that was inaugurated a century before the founding of Jamestown—was fishing. It expanded to a rank second to agriculture as a colonial industry. All colonies engaged in fishing, but only in New England did it assume export proportions. The finest fishing grounds in America extended from Long Island to Newfoundland. Cape Cod was named for one of the varieties which thronged these waters. Because of the neighboring abundance of fish, as well as the unfavorable agricultural conditions, New Englanders quickly turned to fishing in such numbers that Boston began exporting as early as 1633, three years after it was founded. Soon every port had its fishing fleet, and all New

England "smelled of fish." Catholic Spain, France, and Portugal offered a market for the finest grades; West Indian planters bought the cheapest quality for their slaves. So much of New England's early wealth was derived from the industry that the "sacred cod" is not lightly to be dismissed. The highly dangerous business of whaling developed slowly until the eighteenth century, then spurted rapidly ahead to meet the growing demand for the finest of illuminants, also for a substance used in perfumes, and for corset stays.

The fishing industry greatly stimulated shipbuilding and commerce, and was a training school for sailors. Ships were built in all colonies, but only in New England and the Middle group did the industry assume real importance before the middle of the eighteenth century. Thereafter, when it was discovered that live-oak was the best wood for ships, Virginia and the Carolinas became active. In earlier days Virginia and South Carolina tried unsuccessfully to encourage building by offering bounties. Shipbuilding as a commercial enterprise dates from 1631, when Massachusetts Bay Colony launched the thirty-ton *Blessing of the Bay*. Both the Dutch at New Amsterdam and the Pilgrims at Plymouth previously had built ships.

*Shipbuilding*

For several reasons the English government encouraged colonial shipbuilding. The expansion of British commerce called for many new ships, particularly after 1651 when Holland was barred from all England's colonial and most of her foreign trade. In England suitable timber had been so greatly depleted that the colonies with their abundance could build ships at a cost ranging from one-fourth to one-half less than that in the mother country. On the eve of the Revolution about one-third of the vessels engaged in Great Britain's commerce were American built.

Important for many uses in addition to shipbuilding were the magnificent forests of red and white oak, spruce, white pine (so useful for ship masts that English officials prized it above all else), cypress, live-oak, and yellow pine (valuable for tar, pitch, and turpentine as well as lumber). Most settlers looked upon trees as a great obstacle—a nuisance to be destroyed as easily as possible. But for those who were able to establish or reach sawmills and a market there was commercial profit in lumber-

*Naval stores*

ing. Water-driven sawmills were introduced in the 1630's and multiplied rapidly, but during colonial times great improvements in their clumsy performance were not made. The English government was vitally interested in the production of naval stores—ship timbers, masts, tar, pitch, turpentine, resin, hemp, and cordage. Indeed, one motive in English colonization was the desire to be independent of the Baltic country by supplying her own needs. To protect the finest white pines (a mast three feet in diameter at the base might bring £100) the British government sent agents to New England to mark with a broad arrow those selected for the royal navy. From 1705 until the Revolution, excepting four years, Parliament provided a total of about £1,500,000 in bounties on naval stores to encourage colonial production.

*Fur trade*

A specialized industry dealing with products of the forest was the fur trade. This trade proved by far the most profitable enterprise undertaken in the early days of Plymouth. It enabled the Pilgrims to buy out the rights of the London merchants who financed the settlement of the colony. The average annual value of its furs shipped to London from 1631 to 1636 was £6000. Plymouth was not an exception to the rule; every colony in the seventeenth century engaged extensively in the business, although it was of relatively slight value in New England after 1675. Georgia, soon after its founding in 1733, was the center for a heavy export traffic in skins by way of Charleston. The estimated value of exports from Charleston amounted to more than £25,000 a year; in one year, prior to 1750, deerskins alone numbered about 160,000.

Far more important was the fur trade which centered in Albany and Philadelphia. As we have noted previously, the chief interest of the Dutch in founding New Netherland was the fur trade, and this they developed extensively with the Iroquois. From Fort Orange (Albany) as early as 1656 about 35,000 beaver and otter furs were exported. The English, after the conquest of New Netherland in 1664, continued the trade along lines mapped out by the Dutch. Rivalry with the French in Canada was keen, but the English could supply superior goods at a lower price, and hence had an advantage of trade with the

Iroquois and, through them, with the Indians of the Great Lakes area. After the expulsion of the French (1763) the major share of this northern trade was diverted to Montreal by Scotch merchants who vigorously expanded the valuable business. Pennsylvania enjoyed an advantage in location respecting the upper Ohio, to which goods were taken and furs returned by pack train, and consequently several large fur-trading companies grew up in Philadelphia.

By the time of the French and Indian War the total value of the English colonial fur trade was probably £100,000 annually. Many colonists engaged in trapping, but the bulk of the pelts was taken by the Indians. In England a strong demand for furs, particularly the beaver—so much used in making hats that the words “beaver” and “hat” were used interchangeably—meant tremendous profits for colonial traders until the Indians learned something about the value of furs, unless they could not resist the joy of being drunk. In spite of the utilitarian value of furs, as well as the feminine pleasure of wearing mink, otter, marten, or fox, and despite the wealth derived from the business, the advantages were not all on the side of the white traders or merchants. The Indians were glad to have in exchange such articles as knives, kettles, and guns which they could not produce.

In the preceding paragraphs we have briefly summarized the principal industrial and commercial developments within the colonies and suggested the nature of British supervision. Because England's colonial interests were primarily economic, the aim of her officials was to build up a great commercial empire—an objective which was in keeping with the theory of economics, then in vogue throughout Europe, called “mercantilism” or the “mercantile system.” It was an age of intense rivalry when every nation strove not only to strengthen itself by constructive activity but at the same time to weaken its rivals; for it was believed that the gain of one country always meant a corresponding loss to another. The idea of cooperation, with results mutually advantageous, was foreign to the philosophy of mercantilism.

*Mercantilism*

The chief aim of mercantilism, therefore, was national self-sufficiency; that is, as far as possible, each country tried to produce everything it needed. In foreign trade each strove to sell more

than it purchased in order to establish a favorable balance, and this balance was preferably in gold and silver inasmuch as precious metals were considered the best measure of wealth. In her palmiest days Spain was the envy of all Europe because of the immense quantities of gold and silver wrung from the Indians of the new world.

*Colonies in  
the mercan-  
tile system*

In the English scheme of things colonies were desirable not only because they might produce the commodities which she lacked, such as naval stores, but would stimulate population growth, encourage commerce and the building up of a merchant marine and navy, and provide revenue. Finally, colonies might provide markets for English goods. In short, colonies were looked upon primarily as possessions to be exploited by the mother country; but they must not be subjected to unduly harsh limitations lest their profitableness be jeopardized.

In practice, England attempted to regulate colonial trade so that other countries would have no part of it, and discouraged manufacturing that would compete with home industries. At the same time encouragement was given to those colonial interests, such as tobacco culture and shipbuilding, which were suited to the colonies. Some British trade regulations were unfair to the colonies, but Englishmen could argue that the interests of the homeland were of first importance in holding the empire together and that the colonists owed something to the support of the navy which gave them protection.

*The tobacco  
trade*

England's colonial trade policy, which was first applied to Virginia tobacco, was profoundly affected until 1675 by rivalry with the Dutch. When tobacco became important in Virginia the Dutch, through New Amsterdam, dominated the trade. In order to damage the Dutch and at the same time stop imports of Spanish tobacco, which was heavily consumed in England before 1615, several regulations were adopted from time to time. Beginning in 1621, all Virginia tobacco must be shipped to England alone, in English ships, and the importation of all foreign tobaccos as well as the growing of tobacco in England itself was prohibited. Thus Virginians enjoyed a monopoly of the English market.

These regulations admirably illustrate the plan and purpose of mercantilism: each part of the empire to produce the com-

modity best suited to it—others to be excluded—and all trade to be regulated in the interest of British ships and merchants. Englishmen who attempted to grow tobacco might rail at officers who periodically destroyed their plants; others with a taste for Spanish tobacco might complain about the quality of the colonial variety; and Virginians might protest against regulations which they insisted were ruining them, but with slight modifications England stuck to her policy to the end of the colonial period.

During the Civil War the Dutch captured the major portion of English colonial trade, but soon after the execution of Charles II (1649) Parliament was free to deal them some smashing blows. In 1650 foreign ships were forbidden to trade with English colonies, and the next year the first of the great Navigation Acts was passed. Under its provisions all goods entering England must be in English (which included colonial) ships or in the ships of the country producing the goods; all goods going into or exported from any British colony must be in English vessels. Aimed primarily at the Dutch, it precipitated a war with them, 1652–1654. The act was not strictly enforced, but it freed the colonies from competition to the extent that their shipping increased rapidly. By 1775 ships of the colonies carried seventy-five per cent of their own commerce.

*Navigation  
Act of 1651*

When the Cavaliers were restored to power in 1660 they undid much of Cromwell's work, but the advantages to English commerce under the Navigation Act of 1651 were too important to be scrapped. In 1660, therefore, the measure was reenacted with some refinements of their own, notably the requirement that certain specified products of the colonies might be sent only to England or to other English colonies. These "enumerated commodities" were sugar, tobacco, cotton, indigo, ginger, and dye-woods. Thereafter until the Revolution an "enumerated list" obtained. Tobacco was the only product of the mainland colonies on the original list—in fact it was first named in 1621—but various other articles were included from time to time until eventually (1766–1767) all commodities were on the list.<sup>1</sup> How-

*Act of 1660*

<sup>1</sup> Among the most important additions were rice and molasses (1704), naval stores (1705), beaver skins and furs (1721), coffee, cacao, iron, and lumber (1764), and finally (1766–1767) all other commodities. After 1730 rice might be shipped to Europe south of Cape Finisterre. Nine years later sugar received the same privilege. After 1765 rice might be exported to the foreign West Indies.



ever, inasmuch as such important commodities as grain, flour, fish, meat, lumber, and iron were not included until shortly before the Revolution, the bulk of exports from the Middle colonies and New England were free to seek the most favorable market to be found in the West Indies or Europe.

*Act of 1663* Not contented with what is considered the basic act of 1660, Parliament soon followed with another, the Staple Act of 1663. It required all European goods to be landed in England before shipment to the colonies. Inasmuch as such goods might be taxed, English merchants would be enabled to undersell European competitors. The better to enforce her navigation acts England seized New Netherland—center of Dutch trading with the colonies—thus starting the second Anglo-Dutch War (1664–1667).

*New England, and later acts* Thus far, beginning about 1645, the trade of Massachusetts had been prospering. Any situation damaging to English commerce, such as the Civil War or wars with the Dutch, provided new openings for enterprising New Englanders. With cargoes of fish, lumber, barrel staves, and farm products they sailed away to Virginia, the West Indies, or southern Europe. They also took enumerated articles directly to European ports and brought back goods in the same way in defiance of the Navigation Acts of 1660 and 1663. Massachusetts refused to recognize the authority of Parliament, and Boston merchants were becoming keen rivals of English merchants for the colonial trade. In an effort to stop the leak, a new Navigation Act (1672) required carriers of enumerated goods either to give bond as a guarantee that they would be taken only to England, or else pay an export duty on them.<sup>1</sup> In 1696 all colonial governors were required to take an oath to enforce the Navigation Acts, and admiralty courts and other machinery were established for the same purpose.

*Administration of the acts* The final authority in the administration of the Navigation Acts was entrusted to the Privy Council, an old advisory body similar to the modern cabinet, which acted upon the recommendations of various committees. In 1660 such a committee

<sup>1</sup> During the next few years collectors of the customs were appointed for all the colonies. As imperial representatives charged with the enforcement of trade laws, they quarreled with governors. Edwin Randolph, collector in New England, made himself the most thoroughly disliked of the lot by uncovering much evidence of disloyalty and law evasion.

was created with two subordinate councils—Council of Trade and Council for Foreign Plantations. In 1675 temporary special committees were superseded by the powerful Lords of Trade and Plantations, a standing committee of twenty-one Privy Councilors, which lasted until 1696 when it was superseded in turn by the Board of Trade and Plantations. The Board of Trade remained the principal agency of colonial administration until the eve of the Revolution.

From the standpoint of economic regulations, such in brief was the British plan of colonial administration from the Restoration (1660) to the close of the French and Indian War (1763)—a plan that is generally known as the Old Colonial System. Some of these regulations actually benefited the colonies, while some others were not detrimental to their interests. Still others, which contained potential “dynamite” (the Navigation Acts), were never rigorously enforced, and partly for that reason colonial trade expanded and the colonies in general prospered. However, the system was grounded on the premise that the colonies existed primarily for the benefit of the parent country, and if a testing time should ever come these same colonies—profiting from lax administration—might flout all navigation and trade laws of whatever sort as an infringement of their rights. Indeed, serious complaints were made from time to time, notably by Virginians who blamed such measures for their economic difficulties.

*The Old  
Colonial  
System*

After 1660 Virginia suffered an economic depression. The price of tobacco declined rapidly, partly as a result of the English trade regulations which required the shipment of tobacco directly to England on British ships. By thus forbidding trade with Dutch merchants, whose purchases and lower freight rates had been a boon to Virginians, planters' losses were heavy. In the interior the price was insufficient to cover the cost of production. Under the circumstances the small planters were being “squeezed” out. Augmenting their ills were poor crops and an unusually hard winter (1672–1673) and an epidemic which together took a toll of half the cattle of Virginia. Suffering acutely, the poorer planters vainly sought relief from the colonial government, which was controlled by the unsympathetic Governor Sir William Berkeley and representatives of the privileged class.

*Economic  
conditions in  
Virginia*

governor  
Berkeley

With the Restoration (1660), Berkeley once more had become governor. He soon dominated the House of Burgesses as well as the Council, both of which furthered the interests of the upper class in various ways. With one possible exception (1666) there was no election of burgesses for fifteen years after 1661; thus the people had little influence over the government. They complained of heavy taxes, unfairly apportioned, and of heavy expenditures without tangible results. In 1670 the right to vote, which for several years had been the privilege of all freemen, was restricted to freeholders. Conditions were ripe for an explosion against the tyranny of the bigoted and avaricious governor.

Indian  
prising

The crisis came in 1675 when Indians fell upon settlers on the upper Potomac and Rappahannock rivers, taking a terrible toll in lives. Many families were killed, captives were put to fiendish tortures and roasted alive. Interior settlers begged for help. Berkeley made military preparations, then disbanded the enterprise. The people charged his action to fear lest his trade with the Indians be endangered. When several counties petitioned the governor to commission an officer to lead them against the Indians, Berkeley forbade further petitions of the kind. In desperation a considerable number of men—planters, poor farmers, and frontiersmen—assembled under arms on the James (1676) and persuaded Nathaniel Bacon to be their leader. Bacon was under thirty years of age and had been in the colony less than two years. But his sense of justice led him to espouse the wrongs of the people, although his family connections and interests dictated cooperation with the ruling party. Probably as a bribe, Berkeley had appointed him to the Council. Thus Bacon knew how hopeless were the chances for a redress of grievances under existing conditions.

Bacon's  
Rebellion

Bacon and his men made a successful attack on the Indians, whereupon Berkeley tried to stem the rising popularity of the young hero by calling for an election of burgesses. Bacon was elected from Henrico County, although under indictment as a rebel. A renewal of Indian attacks caused Bacon to use force as a last resort to secure a military commission from the governor. Then the assembly under Bacon's influence passed several liberal measures which the governor signed under duress.

When Bacon returned from a triumphant Indian campaign—again denounced by Berkeley as a rebel and a traitor—he besieged and burned Jamestown, church and all, lest the governor return to it from the Eastern Shore. But Bacon's course was run. From illness contracted in his strenuous Indian fighting he died in October 1676. Without their leader the opposition to Berkeley melted away, and the aged governor, fanatical in his vindictiveness, executed over twenty of the leaders—a large portion after receiving the King's order to pardon all except Bacon—and confiscated the estates of several others. When William Drummond was brought before the governor he was politely greeted with the mocking salutation: "Mr. Drummond, you are very welcome, I am more glad to see you than any man in Virginia. Mr. Drummond, you shall be hanged in half an hour." The sturdy Scotsman replied, "What your honor pleases." His widow and children were forced into the woods where they almost died of hunger.

It was against such a tyrant that the "rebels" of 1676 followed a leader who offered protection from the savages, and in addition a change of government in the interest of fairness and justice. A century later another Virginian, Thomas Jefferson, penned a great document in which he affirmed the right of a people to change a government that became destructive of their "inalienable rights," and still another Virginian, George Washington, led other "rebels" to independence. Bacon failed, and is hardly remembered; Washington succeeded, and became the Father of his Country.

■

## Chapter Seven

### IMPERIAL ADMINISTRATION AND SELF-GOVERNMENT

*The setting  
for self-  
government*

IN ALL American colonial history there is no more significant growth than that of self-government. This development reflected—and helped produce—a spirit of self-sufficiency which eventually led the colonists collectively to take up arms (1775) in defense of their rights. Political independence was the result. If the English government had given as much attention to problems of colonial government as to matters of trade, the colonies might not have been lost. But imperial interests were primarily commercial; the colonies were often neglected—"salutary neglect" it proved in the end—and a policy of colonial administration was never evolved which was adequate to the growing complexities of government.

One reason for this failure is found in English preoccupation with its own problems of government—in the long struggle between Parliament and the Stuarts from James I to the overthrow of James II in the "Glorious Revolution" of 1688, followed by many years of great administrative and legislative confusion. Important contributing factors to this confusion that characterized the fumbling eighteenth century were rival interests and pressure groups which looked upon Parliament as an agency to serve their purposes, and played the game of politics accordingly. The ministerial involvement in the South Sea Bubble (1720), and Robert Walpole's famous remark about the House of Commons—"all these men have their price"—are eloquent commentaries upon public life in the years of the Whig ascendancy.<sup>1</sup> Still another reason for Britain's failure is the fact that no colonial pattern existed which made allowance for English ideas about

<sup>1</sup> For political conditions in the late colonial period, see Chapter IX.

the rights and liberties of the individual. Spain's colonial empire was old when England entered the field, but her colonies had hardly a vestige of real self-government. England proceeded by the method of trial and error, and she lost the thirteen colonies before she learned the secret of successful colonial administration.

Throughout the colonial period, excepting the years when there was no royal head (1649-1660), the King claimed chief authority over the colonies, although Parliament began to assert itself as early as 1650. Charters in the name of the King were granted to trading companies, corporations, or proprietors. In all charters extensive rights of government were delegated, and in all types the English settlers were promised the rights and liberties of Englishmen.

*Colonies  
under the  
crown*

From early days, however, the King attempted to establish direct control over the colonies. The beginning dates from 1624 when Virginia became the first royal colony or province, but the movement was arrested by the Puritan Revolution. During the Commonwealth period the colonies enjoyed virtual freedom. With the Restoration, Charles II, supported by the merchants who favored firm and comprehensive commercial regulations, bestirred himself to recover lost ground. His policy called for the creation of none but royal colonies, and for the conversion of proprietary and corporate colonies into royal provinces. But the rewarding of favorites (producing the proprietary colonies of the Carolinas, New York, New Jersey, and Pennsylvania) upset the plans until nearly the end of the seventeenth century. Thereafter some progress was made, with the result that only two proprietary colonies (Pennsylvania and Maryland) and two corporate colonies (Connecticut and Rhode Island) remained after 1752. All the others had become royal.

*Extension of  
direct control*

In keeping with the objective of establishing direct control, English officials gave much attention to the matter of consolidation in the interest of more effective and profitable imperial administration. The growth of the colonies, the problem of their defense, and the increased value of their commerce raised important economic and political questions. After the Dutch were finally defeated (1674) France became the great rival. Established

*Plans for  
consolidation*

in Nova Scotia, Newfoundland, and Canada, and friendly with the Indians, she presented a growing threat to the English new-world position.

*Problem of Massachusetts* The new plan of consolidation was put to the test in New England. From its earliest days Massachusetts Bay had shown a stiff-necked disposition to do as she pleased. In England Puritan opposition to the King probably saved the colony from strong disciplinary measures before 1660. By that time Massachusetts felt strong enough to refuse recognition of Charles II. Moreover, she flouted the Navigation Acts, denied religious freedom, refused to allow appeals to the Privy Council, and harbored regicides. Then, too, the New England Confederation (1643), in which Massachusetts was the leading member, had a suspicious appearance.

After the last Dutch war was over (1674) Charles was ready for a reckoning with Massachusetts. He demanded several reforms—respect for the Navigation Acts and repeal of laws at variance with English laws—which the colony would not grant. The outcome was the annulment of the charter in 1684. The immediate effect of becoming a royal colony was the overthrow of the theocracy in which a minority (members of the church) controlled the majority.

*Dominion of New England* Charles died (1685) before his plans for consolidation could be put into effect. His brother, the absolutist James II, carried out the recommendations of the Lords of Trade and established the Dominion of New England in 1686. Under Sir Edmund Andros the Dominion included all New England, to which was added (1688) New York and New Jersey.<sup>1</sup> Thus eight separate jurisdictions were brought under a royal governor and council who ruled without a representative assembly, and without a charter safeguarding the rights of the people. Andros was an able official, with a record of honest government in New York, but he got off to a bad start by bringing soldiers with him to Boston. Most of the time thereafter he was in hot water.

In accordance with his instructions Andros enforced the

<sup>1</sup> Connecticut and Rhode Island submitted without the annulment of their charters. According to tradition Connecticut saved her precious document by hiding it temporarily in the "Charter Oak."

Navigation Laws, imposed quitrents, levied taxes without consent of the people, and even forced Boston to permit the use of the Old South Church for Anglican services. He was charged, furthermore, with censorship of the press, suspension of the writ of habeas corpus, and the abolition of town meetings except once a year. Strict Puritans at first accepted the regime as a divine visitation for their sins, but opposition grew rapidly until all groups were against him. When some of the citizens of Ipswich under the leadership of the Reverend John Wise declared that the imposition of taxes without the consent of their elected representatives was a violation of their rights, Andros arrested twenty-eight of the "rebels." The growing unpopularity of the governor must have encompassed his downfall in due time. It came suddenly in the spring of 1689 when the news of the "Glorious Revolution" reached Boston.

*Governor  
Andros*

Englishmen had endured the arbitrary and cruel "divine right" James II in spite of his Catholicism until the birth of a son (June 1688) threatened the indefinite continuation of Catholic rule. The people then rose up against him; his army deserted, and James placed his trust in the divine right of speed to quit the country. William III (Stadtholder of Holland) and Mary, daughter of James, became joint rulers of England after accepting the terms laid down by Parliament. It was still another generation before the constitutional principle of parliamentary sovereignty—upon which the government of William and Mary was founded—was given permanence in England, but the immediate result of this victory for parliamentary government was reflected in the granting of some sort of representative government to each of the colonies which had so recently been brought into the scheme of centralized control.

*The  
"Glorious  
Revolution"*

Massachusetts, with Plymouth and Maine added, continued as a royal colony under a new charter (1691) which left the system of local government practically as it was before 1684. Connecticut and Rhode Island brought out their charters and continued under their old form of government. New Hampshire once more became a royal colony. In New York, Jacob Leisler headed a popular revolt which drove Andros' lieutenant-governor from the colony. Two years later a royal governor was appointed and

*Results in  
the colonies*



Leisler was executed. The New Jersey proprietors regained control.

From the standpoint of the empire there is much to be said in favor of the Dominion of New England. It meant unified and more efficient administration with the consolidation of small colonies, and better means of defense against the French who had succeeded the Dutch as the great English rival. But the colonists wanted no union unless it was of their own making, and they favored little of that.

*Types of  
colonies after  
1752*

The fall of the Stuarts definitely put an end to the movement for colonial consolidation, but powerful groups in England—merchants, landed gentry, and the Anglican Church—still favored binding the colonies closely to the homeland; consequently, whenever possible, charters were annulled and colonies converted into royal provinces. As previously mentioned, by the beginning of the French and Indian War (1754) all colonies were royal except four: Maryland and Pennsylvania (including Delaware) were still proprietary, and Connecticut and Rhode Island were charter.<sup>1</sup> All thirteen began as chartered or proprietary colonies. In the evolution of colonial governments many changes occurred, but the fundamental features were essentially the same in all—and the British form of government was the prototype. The colonies were not founded by Englishmen seeking to establish a different kind of government.

*The English  
pattern of  
government*

The principal agencies of government in England were the King and his advisors (powerful ministers of the Privy Council), Parliament, and the judiciary. Parliament was a bicameral legislature in which lords "temporal" and "spiritual" constituted the upper chamber, or House of Lords, while representatives of the shires (counties) and certain towns made up the House of Commons. All judges from the lowest to the highest were appointed by the King, and until 1701 (Act of Settlement) were removable at his will.

In all the colonies a governor, council, assembly, and judges

<sup>1</sup> Virginia became royal in 1624, New Hampshire in 1679, New York in 1685, Massachusetts in 1691, New Jersey in 1702, the Carolinas in 1719-1729, and Georgia in 1752.

roughly followed the English pattern.<sup>1</sup> The governors were the most important civil officers. In royal colonies they were appointed by the crown, and were removable at pleasure; in proprietary colonies by the proprietors, subject to approval of the crown; and in charter colonies they were elected. The duties of all were primarily administrative in character, such as the enforcement of the laws and preservation of order. Royal governors commanded the militia, appointed judges, justices of the peace, and sheriffs, and they had the right to convene, prorogue, and dissolve the assembly, and to veto its measures. After 1696 the governors of all colonies were required to give oath and bond to enforce the Navigation Acts. Governors were of all types, but good or bad they commonly had a hard time trying to serve English or proprietary interests without too much conflict with their assemblies, except in Connecticut and Rhode Island where they were elected.

*The colonial  
governor*

Each colony had a council which was appointed, or elected, in the same manner as the governor for the colony, excepting Massachusetts where it was elective. Councils varied in size from ten to twenty-eight members. In royal and proprietary colonies the tenure of members was during good behavior. This body exercised a threefold function. It was an advisory and administrative agency for the governor; together with the governor it constituted the highest court of appeals in civil cases; and it served as the upper house of the legislature. Members of the council were colonials, and, because they were the wealthiest and most powerful members of their class, their interests usually coincided with those of the governor and the crown.

*The  
Council*

The lower house or assembly, by whatever name it was called—in Virginia it was the House of Burgesses, in Massachusetts the House of Representatives—was essentially the same in all colonies, and was elective. But it was far from being representative in the modern sense, for property qualifications limited the franchise to a relatively small portion of the population, probably not more than one-sixth. By 1700 the assembly enjoyed the sole right to

*The  
Assembly*

<sup>1</sup> Pennsylvania, it will be remembered, had a unicameral legislature after 1701 because at that time the council ceased to have a legislative function.

initiate bills for taxation, and all other laws as well must receive its assent. The governor's veto was final. Laws which he approved had to be sent to England for the approval or disallowance of the Privy Council; that is, after 1730, in the case of all colonies except Connecticut and Rhode Island. However, the number of colonial laws actually disallowed was not more than about one in twenty, and were commonly those contrary to colonial charters, governor's instructions, or English common or statute law.

*The  
judiciary*

The colonial judiciary in each colony was patterned after the English model. Justices of the peace and judges were appointed by the governor.<sup>1</sup> Each colony had its local courts for petty offenses, over which justices of the peace presided, and most of them had county courts for the more important criminal and civil cases. The superior court was made up of the highest judges, presided over by the chief justice. Each colony had an attorney general who prosecuted cases in the higher courts for the King. Final appeal in both civil and criminal cases was to the Privy Council.

*Governor  
versus  
assembly*

In the colonial mind the governor and council stood for external control (the King and British interests), while the assembly represented the people. Because of the incompatibility of their interests, governor and assembly were often in conflict. When one gained an advantage it was at the expense of the other, and usually the assembly, cheered on by the people, was the victor. In this growth of the representative body is to be found one of the most significant developments in colonial constitutional history. The ultimate end was political independence—the consummation toward which the first step was taken in 1619 with the meeting of the Virginia House of Burgesses.

*Growth of  
the assembly*

The growth of the assembly's power during the seventeenth century, especially after 1689, parallels in a measure the rise of the House of Commons, and to a considerable extent was a direct result of it. For colonists contended that as Englishmen residing in America they were entitled to the same rights as Englishmen living in the British Isles. Parliament by 1688 (Glorious Revolution) had powers that overshadowed those of the King. Why, then, should the colonial assembly not enjoy equal rights as

<sup>1</sup> At first the higher judges in royal colonies were appointed directly by the crown.

against the royal governor? English officials would not admit that the assembly was in effect a colonial House of Commons, and denied to it the exercise of several parliamentary privileges. But during the eighteenth century the assemblies were accorded freedom of debate, and they won in addition the right to pass upon the qualifications of their members, thus preventing "packing" by the governor. With considerable success they aimed also at frequent elections and frequent assemblies in order to keep in touch with the wishes of the people (in Massachusetts and Pennsylvania elections were annual), and contended for the exclusion of royal officers. Control of the purse had been won by 1700. Actually, by the middle of the century, without full consciousness in England of what was happening, the assembly became the dominant force in colonial government.

The most effective instrument used by the assembly in extending its power at the expense of the governor was its control over finances. By exercising complete control over taxation, by making specific appropriations, and by setting up committees to supervise the disbursements of money, the governor's freedom of action was greatly limited. By refusing to vote supplies military operations could be controlled. In all colonies except Georgia the governor, council, and judges were dependent on colonial revenues for their salary. It was a rare governor who, in order to enjoy his salary, would not make the concessions demanded even though in violation of his instructions from the crown. A New Jersey assemblyman expressed a not uncommon opinion when he said, "Let us keep the dogs poore, and we'll make them do what we please." Anyway, if the concession meant the approval of an obnoxious measure there was still a chance of disallowance by the Privy Council. But such action was time-consuming; meanwhile the colonists might enjoy the benefits of their legislation, then, when a measure was disallowed, reenact it in a modified form.

The colonies were never represented in Parliament but from early days they kept agents in London to defend their interests. Because of increased business these agents (sometimes Englishmen rather than colonists) became resident in the eighteenth century. Although never official members of the imperial administration, they presented colonial matters before the Board

*The power  
of the purse*

*Colonial  
agents*

of Trade and the Privy Council, and constituted an important link between crown and colonies.

*The Privy Council*

The principal machinery for imperial administration was the Privy Council through its committees—the Lords of Trade from 1675 to 1696, and the Board of Trade thereafter until the eve of the Revolution. Both committees had general supervision over all matters pertaining to the colonies, although their powers were only advisory in nature. They recommended governors for appointment and drafted their instructions, conducted investigations, listened to complaints, studied measures passed by colonial legislatures in order to advise the Privy Council as to its action concerning them, and supervised the enforcement of trade and navigation acts. Because they had more contacts with colonial affairs than any other officials, they became a powerful influence in shaping imperial policy.

*Admiralty courts*

An important agency in colonial administration was the admiralty courts, which were effective as machinery for the enforcement of the Navigation Acts. Before 1696 the common-law courts (having juries) commonly exercised admiralty jurisdiction, with the result that defendants charged with smuggling were usually cleared. Under the Navigation Act of 1696 vice-admiralty courts were established in most of the colonies. The judges over these courts administered summary justice without a jury, and were thus unpopular with law evaders. Until the Revolution the colonists waged a stiff fight in their contention that the regular courts should have jurisdiction over cases involving the violation of trade regulations.

*Piracy*

A difficult problem in the regulation and protection of commerce was presented by piracy. From the earliest days of colonial shipping pirates took their toll. Massachusetts made piracy punishable with death (1653), but some governors, after 1650, granted commissions to "privateers" who were actually pirates. Evasion of the Navigation Acts was encouraged by merchants who bought stolen goods of pirates, some of them reaping a handsome profit by promoting piratical ventures. After 1697, when the war with France ended, many privateers turned sea robbers and for a quarter-century the Atlantic coast experienced piracy at its worst.

The Earl of Bellomont (governor of New England and New

York, 1698–1701), with special instructions to suppress piracy, was the most energetic of all Americans in his efforts to suppress the nuisance. It was through his activities that the famous “Captain Kidd” turned pirate. Kidd was a prominent citizen of New York who was rewarded for meritorious service against the French. When Bellomont raised an expedition to smash pirates in the Red Sea, Kidd was given command under an agreement of “no prizes no pay” for captain and crew. After a bootless year, and with half the crew dead from cholera, Kidd turned to piracy himself, having complicated matters by killing a gunner with a bucket. Home with the loot from his prizes, he was arrested, sent to England, given a fair trial, and sentenced for murder and piracy. After the gallows refused to take his life he was hanged from a tree.

Briefly summarizing the subject of imperial administration, it may be said that after 1689 the executive power of King and Council steadily declined as Parliament and the Cabinet invaded their old prerogatives. The authority of the crown remained strong in the colonies long after it ceased to be dominant in the government at home, it is true, but Parliament contested the regulation of colonial matters with growing insistence. It was a period of much confusion in administrative and legislative affairs, with a great multiplication of offices. Perhaps it is not strange, therefore, that between the Glorious Revolution and the French and Indian War (1754–1763) the British government showed surprising indifference to colonial affairs—“salutary” neglect as it is commonly called. This situation, in turn, explains in large measure why the colonial assemblies were able to make such impressive strides in self-government. The sequel was to follow the belated efforts of Britain to strengthen her colonial system after 1763.

*Change, and  
“salutary  
neglect”*

## Chapter Eight

### WESTWARD EXPANSION AND CONFLICT WITH THE FRENCH

IN ALL American history there is no more significant force than that of expansion—the westward movement which began soon after the first colonies were founded and continued until the continent was spanned. It took approximately a century and a half for the frontier line to reach the mountains, half a century more to reach the Mississippi, and still another fifty years to leap the Great Plains to the gold fields of California. Thereafter the gaps were filled in until by 1890 the frontier was gone.<sup>1</sup>

*The frontier  
process*

In this process of expansion, frontiersmen struggled with the obstacles presented by forests, wild animals, and wilder Indians—sometimes reverting to savagery themselves—but in the end they conquered the wilderness, drove out the game and the Indians with it, and prepared the way for settled communities. Over and over the process was repeated, with the result that an ever-increasing number of men learned to rely upon their good right arms rather than England—learned to think of themselves as Americans rather than Englishmen residing in America.

*The factor  
of French  
resistance*

An appreciable factor in producing this change, although it was obscured by the colonial need for help in resisting the enemy, was the recurring and long-continued fighting with the French who after 1689 contested with the English for the possession of North America. The story of this Anglo-French struggle for the mastery of a continent fills a long and stirring chapter in colonial as well as European history. The forward-thrusting fingers of the frontier advance made inevitable a clash between

<sup>1</sup> Three years later (1893) Frederick Jackson Turner, the great historian of the frontier, published the "Significance of the Frontier in American History," an essay which necessitated the rewriting of American history.

two peoples differing so widely in their governmental, economic, and religious ideals and practices. Actually the first three wars of the series began in Europe between the mother countries—extending to America where loyal French and English colonists exchanged blows on their own account—but in 1754 the colonists started a war of their own. It ended only with the expulsion of the French from the mainland of America in 1763.

For about forty years after the butchery which ended her short-lived colony in Florida (1565), the new-world efforts of war-torn France were confined largely to Newfoundland fishing and occasional ventures to the St. Lawrence in connection with the fur trade. Of all the daring Frenchmen identified with the latter purpose, before or afterward, Samuel de Champlain easily holds first place. Richly endowed with high qualities of leadership, experienced as a soldier and sailor, this devout Christian accepted the challenge of the wilderness unknown to white men. In 1603 he led a trading expedition up the St. Lawrence to the rapids above the present Montreal. On a subsequent expedition, in his new role as governor of New France, he founded Quebec, the first permanent French settlement in America. This was in 1608, only a year after the beginnings of Jamestown. The long, hard miles between the two settlements seemingly might have provided ample room for many years of peaceful expansion for both French and English, but the ancient rivals soon found means for striking each other.<sup>1</sup>

*Champlain  
and Quebec*

Meanwhile Champlain continued his explorations into the interior. He discovered the beautiful lake that bears his name. Later, advancing up the Ottawa, he finally reached Lake Huron by way of Lake Nipissing and Georgian Bay (1615), thus opening up the main route into the West followed by the French for a generation.<sup>2</sup> Because of his wide explorations and other labors, Champlain rightly has been called the Father of New France. But with all the contributions of his leadership he committed a dramatic blunder of far-reaching consequence when he unwittingly antagonized the Iroquois. The occasion was a raid made against

*Indian  
relations*

<sup>1</sup> In 1613 a force from Virginia destroyed a French settlement in Acadia. Sixteen years later an English fleet captured Quebec, but it was restored three years later.

<sup>2</sup> One reason for the use of this route was the hostile Iroquois who made the Lake Ontario route unsafe.



that powerful confederacy by Indians of the St. Lawrence whom Champlain accompanied. Meeting in a skirmish at the southern end of Lake Champlain, the Frenchman, protected by armor, killed some chiefs.

It is hardly conceivable that this incident should have produced such antagonism as to range the Iroquois permanently against the French. Actually the hostility thus begun was continued by subsequent clashes (1610, 1615, and afterwards), but more particularly by the fact that the Dutch on the Hudson were soon not only selling firearms to the Iroquois, but offering more favorable terms of trade. A situation was thus created which made this powerful Indian confederacy a natural enemy of the French. After the dispossession of the Dutch by the English (1664), the latter successfully continued the same policy.<sup>1</sup> Because the Iroquois controlled the territory to the south of the St. Lawrence they not only held back the French advance in that direction but afforded the English a large measure of protection from the ancient rival.

*Growth of  
New France*

The growth of New France was very slow. Nearly a half-century after the founding of Quebec the total white population was probably less than 2500 souls, scattered some 1500 miles from Acadia to the lonely wilds of central Wisconsin. Quebec occupied a commanding position above the mighty St. Lawrence, but it had the disadvantage of being 800 miles from the open sea, and on a river ice-locked several months of each year.<sup>2</sup> The hard climate did not invite agriculture, and thus a portion of the food supplies came from the mother country; for the successive companies to which the colony was granted by a short-sighted French government for fifty-five years were chiefly interested in exploiting the fur trade. Therein lay the main reason for slow development. Therein lay also an important factor in rivalry, diplomacy, and war between the French, the Dutch, and the English. Furs were of relatively high value in proportion to bulk, were easily secured

<sup>1</sup> In 1689, according to old records of New York, an Indian could secure a musket at Albany for two beavers; at Montreal it would cost five. Other commodities, such as powder, lead, and blankets, were at about the same ratio. English goods could be produced more cheaply, transportation was less, and English traders were not bothered by a paternalistic government which set prices.

<sup>2</sup> Although at such a great distance from the ocean, the tide at Quebec rises a dozen feet.

from the Indians, and transported without great difficulty to a ready market in Europe where quick returns could be realized. The trade was a prize not lightly to be lost.

The St. Lawrence and Great Lakes region was one of the richest fur-bearing areas of North America. Largely for this reason French officials were determined to maintain a monopoly over it. In possessing two excellent routes westward from Montreal they had a great advantage. It is true that the Iroquois might disrupt passage on the upper St. Lawrence and Lake Erie, but their efforts as middlemen between the English and western tribes, with which they were usually at odds, were never wholly successful. The French built forts along this route, and in time it became their principal artery of traffic. For many years annual fairs were held at Three Rivers and Montreal, and hither came the Indians and traders with their peltry. Gradually traders pushed farther afield, establishing posts such as Niagara, Detroit, and Michilimackinac. At first these posts were used primarily as bases for protection and for meeting prior to the long voyage of the annual flotilla to Montreal. In time many of them became centers of trade.

*The fur  
trade and  
expansion*

A complicating factor in the French policy of control, as well as a partial cause for this dispersal of trading activities, was the unlicensed traders known as *coureurs de bois*. Many a spirited young fellow responded to the call of the wild and "cut loose" from the confinements of early French settlements, sometimes remaining away lest he pay the penalty for his offense. So in defiance of authority and the Jesuits, these "wood-rangers" lived a life of freedom and dangerous adventure, enlivened with dusky mates and half-breed progeny. During the latter half of the seventeenth century men deserted the settlements of New France in such numbers as seriously to weaken it.

In the meantime a change of governmental policy had brought better days. In 1663, soon after Louis XIV took control of the government of France, New France was brought directly under the crown, with a governor, intendant, and bishop. The intendant, trained in the law, headed the judicial system and supervised expenditures, thus affording a check on the governor. These three dominated the Superior Council, which was the

*Better  
days under  
Louis XIV*

highest authority in the province. In this plan of control there was barely a trace of self-government, but the easygoing settlers seemed not to miss what they had never enjoyed. Other measures greatly stimulated growth. Soldiers were sent, and the Iroquois were humbled; many French maidens were introduced to husbands and homes in the colony, and agriculture was encouraged, although it hardly passed beyond the subsistence level while France possessed Canada.

*Seigneurs  
and  
habitants*

The land system early introduced in Canada was feudal in nature—the seignorial, which was still dominant in a large portion of France. The *seigneur* was the landlord, to whom free grants of land were made.<sup>1</sup> These estates or seigneuries varied greatly in size, depending upon the wealth and social station of the recipient, and were generally obtainable by anyone who could give assurance of clearing the land and of securing settlers (*habitants*) for it. The *habitant*, in turn, received from the *seigneur* a title deed to strips of land (fronting on the river if possible) under which he was obligated to pay annually a few sous, and perhaps a bushel or two of wheat or a half-dozen chickens. In addition he must grind all his grain in the *seigneur's* mill, paying the legal toll of one-fourteenth, and give a maximum of six days' labor on the lord's domain. Certain other mild obligations were most generally observed in the breach. On the whole, the system seems to have benefited the *habitant* as much as the *seigneur* during the French regime, and it made for solidarity in a sparsely settled country.

*Expansion  
under  
Frontenac*

The changes effected under Louis XIV stimulated explorations, and a lively expansion of the fur trade resulted. Champlain's activities had revealed the Great Lakes. Under the direction of the first intendant, Jean Talon, and of the greatest of the governors of New France, the courageous and tempestuous Count Frontenac (1672–1682, 1689–1698), control was extended over the Great Lakes region and the entire Mississippi Valley. Most active as explorers and pathfinders were fur traders and Jesuit missionaries—a partnership of sinners and saints. These devoted and

<sup>1</sup> Until 1663 these grants were made by the companies which enjoyed the privilege of exploiting the colony; thereafter by the King through his officials in New France. Not more than six of the sixty *seigneurs* to whom grants were made from 1632 to 1663 were actual residents of the colony. After 1663 care was taken to prevent nonresidents from holding land.



fearless missionaries were the best friends the Indians had. They did their best to counteract the brandy and licentiousness of the traders, both of which were probably far less abundant than the Jesuits pictured, and together with the traders they proved far more acceptable to the Indians than were the English who dispossessed the natives in their westward advance.

*Joliet and  
La Salle*

Most outstanding of the explorers of this period were Louis Joliet and Sieur de La Salle. In 1673 Joliet, accompanied by Father Jacques Marquette, rediscovered the Mississippi when their canoes slipped into it from the Wisconsin. There is no record that white men had ever before crossed the level mile and a half portage from the Fox to the Wisconsin—the first portage route known from the Great Lakes to the Mississippi. They drifted to the mouth of the Arkansas, then returned by way of the Illinois. In 1682 La Salle followed the Mississippi to its mouth, claiming the entire valley for his King and naming it Louisiana in his honor. Two years later he sailed from France to begin colonization on the lower Mississippi, but he missed his objective and landed instead on the coast of Texas. Still seeking the river, he was murdered by his own men in 1687. But the dream of this great explorer did not die with him. In 1699 the brothers Iberville and Bienville with 200 men founded Biloxi, then entered the Mississippi. They were just ahead of an English expedition which did not linger to contest French priority. In 1718 Bienville founded New Orleans 100 miles above the mouth of the river.

*Louisiana*

*Second  
Hundred  
Years' War*

For nearly half a century thereafter the French controlled the valley, strengthening their position by building forts and making alliances with the Indians. But already in 1689 the second Hundred Years' War with England had begun.<sup>1</sup> Midway in the long succession of wars the French were driven from the continent.

<sup>1</sup> *Name of war in Europe*

*In America*

War of the Palatinate, or		
League of Augsburg	1689-97	King William's War
War of the Spanish Succession	1701-13	Queen Anne's War, 1702-13
War of Jenkins' Ear	1739-	
War of the Austrian Succession	1740-48	King George's War, 1744-48
Seven Years' War	1756-63	French and Indian War, 1754-63
War of the American Revolution	1775-83	Revolutionary War
War of the French Revolution	1792-1802	War with France (undeclared), 1798-1800
Napoleonic Wars	1803-1815	War of 1812 (1812-14)

In Europe vaunting ambition, dynastic rivalries, and the balance of power motivated this series of wars in which the central theme became a great struggle between England and France for colonial empire and sea power. Britain, having the stronger navy, emerged victorious.

In America the conflict became a contest for the control of the Ohio and Mississippi valleys, but it began over rivalries of the fur trade. Into the wilderness that separated the earliest English and French settlements went enterprising traders to contend for the Indians' furs. In the area of rivalry the French were commonly more successful, although the English provided stiff competition by keeping on good terms with the Iroquois who controlled the trade of the Illinois country. In 1670 the Hudson's Bay Company began its famous career. During the next decade Governor Thomas Dongan of New York not only strengthened relations with the Iroquois by securing their allegiance to England (1684) but worked with them on a plan to divert the French trade from Montreal. New England's support—which he could not secure—was essential for the success of his trading scheme. So the net result of his labor was a French raid on the Iroquois, some of whom were captured and sent overseas for galley slaves. In August 1689 the Indians returned the call, destroying the inhabitants of Lachine near Montreal in the bloodiest massacre in the history of Canada.

*Nature of  
contest in  
America*

The animosity stimulated by such border thrusts needed only the sanction of war between the mother countries to flare up in spirited fighting. King William's War (1689–1697) provided the necessary background. For half a century the English had been peaceably inclined toward France—Charles II and James II were definitely pro-French—but when James ran away the situation was quickly reversed. William III accepted the English throne solely that he might swing England's resources into the coalition against Louis XIV who was threatening to overwhelm the Netherlands as he pushed France's "natural boundaries" toward the Rhine.

*King  
William's  
War*

The aim of Louis XIV in America was the conquest of the English colonies, while New York and New England planned the conquest of New France. Neither England nor France could give much assistance to their subjects across the Atlantic, so the fighting in America was done almost entirely by the colonists and

the Indians. French Catholics of Canada wasted no love on the "infidels" of New England; the Protestant elect of Boston returned the feeling with interest, especially for the Jesuitical "minions of Satan" in Quebec. Indians on both sides were willing to assist in the bloody business.

Frontenac returned as governor of New France in 1689, and soon organized raids upon exposed settlements in New England and New York. In the worst of these, Schenectady experienced the stark brutality of Indian warfare in all its savage fury. By way of retaliation a force from Boston under Sir William Phips captured the important French naval base of Port Royal, Acadia. The booty taken was considerable—Boston Puritans even pillaged a church. Fired with success, Phips then sailed with 2000 troops to reduce Quebec. But neither ships, men, nor prayer could dislodge the testy Frontenac. The war dragged on until 1697. Then, because neither side could claim a decisive victory, either in Europe or America, the Peace of Ryswick provided for a mutual restoration of conquests. Futile as the war appeared, it definitely checked Louis XIV and ruined French foreign trade. On the other hand, England had won naval supremacy.

*Queen  
Anne's War*

Peace was of short duration. It was broken in 1701 when Louis XIV accepted the Spanish throne for his grandson, thus upsetting the European balance of power. The war of the Spanish Succession (Queen Anne's War), thus begun, lasted until France was decisively beaten. In Europe John Churchill, Duke of Marlborough, won the brilliant land victories which give him the distinction of being the greatest soldier England has ever produced; and on the ocean England maintained naval supremacy in spite of the fact that Spain fought on the side of France. In America, because of Spanish attacks, war extended to the Carolinas; and it produced a recurrence of French and Indian raids on the northern border. The massacre at Deerfield on the Massachusetts frontier was the most tragic example. Hatred became so intense that the General Court of that colony offered a round bounty for scalps.<sup>1</sup>

<sup>1</sup> For seven years New York escaped the hardships of warfare because the Iroquois and the Albany fur traders had suffered so much that both were willing to keep the peace. The governor refused to aid New England, lest his colony be drawn in. The Middle colonies were but little affected by the war.

As during the previous war, Massachusetts planned expeditions against Canada, her zeal sharpened by the depredations of privateers which used Port Royal as a base. In 1710 a joint English and colonial force took Port Royal, renaming it Annapolis. Annapolis it has remained to this day. The next year witnessed the utter failure of an expedition which was planned to capture Quebec. More than seventy ships with 12,000 men sailed from Boston, only to run upon rocks near the mouth of the St. Lawrence. In the darkness of that awful night nearly 1000 men were lost. The expedition was abandoned, and the large force of colonials and Iroquois which had moved to Lake Champlain for a cooperative stroke was disbanded. The grand campaign ended without a stroke.

By the terms of the Treaty of Utrecht (1713) ending the war, France ceded the Hudson Bay region, Newfoundland (reserving certain fishing privileges), and Acadia, except Cape Breton Island.<sup>1</sup> France also recognized English suzerainty over the Iroquois, but aside from this concession the question of the control of the interior was left to the decision of future events. However, the possession of Newfoundland and Nova Scotia (Acadia) gave England a strategic position near the St. Lawrence which finally signified the downfall of France in America.

*The Treaty  
of Utrecht*

A quarter-century of peace followed Queen Anne's War, during which time the rivals attempted to improve their position in America. English traders pushed farther into the disputed area, and Georgia was founded (1733) to check the Spanish. The French continued to strengthen their position in the Ohio and Mississippi valleys, and at Louisburg, on Cape Breton Island, they built up the strongest fortress on the seaboard. They also used every means to stir up the hostility of the French population of English Nova Scotia against their masters, and even offered a reward to Indians for English scalps.

In 1739 long-standing friction between England and Spain

<sup>1</sup>From Spain England got Gibraltar and the island of Minorca. She also received, for her South Sea Company, a thirty-year monopoly of the Spanish colonial slave trade—the "Asiento"—together with the right to send one merchant ship each year to Porto Bello. In practice, other ships accompanied the "Porto Bello" ship, replenishing its cargo at night for further unloading by day. Spanish efforts to suppress this and other illegal English practices led to the War of Jenkins' Ear in 1739.



*King  
George's War*

flared into warfare which soon merged into the War of the Austrian Succession. France gave secret assistance to her Spanish ally, and in 1744 the old rivals, England and France, declared war. King George's War it is called in America.

*Louisburg*

In America the usual border raids brought horrible tragedy and death to women and children. Easily the most decisive stroke in colonial warfare on either side was the capture of Louisburg (1745) by New Englanders under William Pepperrell of Maine. This formidable fortress was a shelter for French privateers that swarmed out to make fishermen and traders squirm; moreover it was a base for French operations along the coast. Governor Shirley of Massachusetts raised a force of some 4000 men and sent them off under the command of Pepperrell, a man of good judgment but slight military experience. Commodore Warren with three ships joined the expedition. The amateur Pepperrell and his amateur soldiers violated the rules of successful warfare, but through reckless courage and good luck captured the "impregnable" fortress after a siege of seven weeks.

Greatly humiliated by the loss of Louisburg, France fitted out half her navy to recover it. Disaster dogged the fleet: ships were struck by lightning and scattered by a terrific storm, pestilence took a heavy toll, and the commander died suddenly shortly after the fleet arrived at a lonely spot on Cape Breton. His successor in despair committed suicide after a day or two in his new office. Finally after more than 2000 men had died of the pestilence, and without striking a blow, the surviving ships turned again toward France. Only a remnant reached home. Still another fleet was dispatched only to be destroyed by the English.

The futile conflict was terminated by the Treaty of Aix-la-Chapelle in 1748. Because France had won advantages in India and the Netherlands, England agreed to the mutual restoration of all conquests. It was a bitter blow to New Englanders who could not forget the many lives sacrificed before the walls of Louisburg.

*The Ohio  
Valley*

The war settled nothing in America. Instead, it whetted the antagonisms of the great rivals who for several years had been centering attention on the Ohio Valley, each believing that colonial success or failure depended upon its possession. In the English colonies the limited opportunity for commercial ex-

pansion, the unprofitableness of tobacco growing, and British restrictions on manufacturing led men of means to seek western land for the investment of capital. To a surprising extent the wealthier men of Virginia and Pennsylvania were securing such grants of land for speculation.

In 1747 a group of Virginia gentlemen, including George Fairfax, Lawrence and Augustine Washington, and Thomas Lee, organized the Ohio Company and petitioned the crown for a great tract of land west of the mountains. In May 1749 the company was granted 200,000 acres on the Ohio, together with a monopoly of the fur trade. An additional 300,000 acres was promised if 200 families were settled within seven years. The company quickly built a trading post on the Potomac (Fort Cumberland), and sent Christopher Gist to "spy out the land." In 1752 the Indians agreed by treaty to permit settlement south of the Ohio, and a road was opened across the mountains.<sup>1</sup>

Meanwhile the French were active. Because the shortest route from Canada to the Mississippi was by way of the Ohio, they considered the possession of the valley indispensable for the safety of New France and Louisiana. Moreover the English were causing disaffection among the Indians by offering better terms in trade than the French could afford. For the double purpose of holding the Indians and warning the English to leave the country, the governor of New France in 1749 sent an army under Céloron de Blainville into the Ohio. Descending the Allegheny and Ohio as far as the Miami, he buried at each important tributary a lead plate bearing an inscription asserting French title to the region. The near future was to test the relative effectiveness of lead plates and lead bullets.

In 1753 the new Canadian governor, Marquis Duquesne, took further steps to hold the valley by building a chain of forts from Lake Erie to the Allegheny—Presque Isle, Le Boeuf, and Venango—all within the present limits of Pennsylvania. Alarmed at this new aggression, and in accordance with instructions from the crown, Governor Dinwiddie of Virginia decided to challenge the French advance by demanding their withdrawal from the dis-

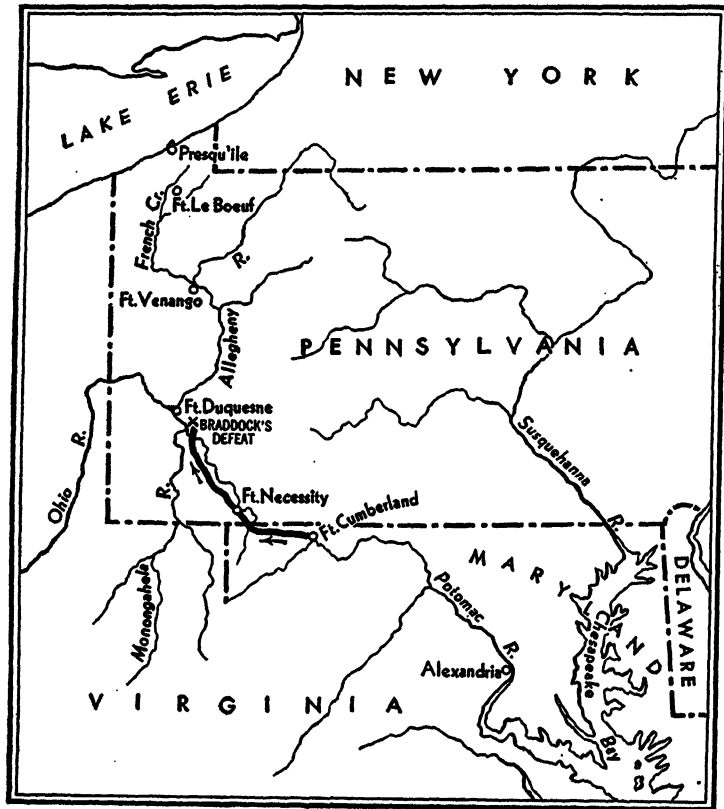
*The Ohio  
Company*

*Lead plates*

<sup>1</sup> The opening of the French and Indian War prevented the company from developing its grant. After the war a renewal could not be secured from the crown.

*Washington's  
mission*

puted territory. For the dangerous mission he chose young George Washington. With six other men, including Gist, Washington in the fall and winter of 1753 made his way through the forests to Le Boeuf (Waterford) and there delivered his letter. He was



THE FORKS OF THE OHIO

courteously received by the commander and politely informed that the French would remain. After two narrow escapes with his life Washington returned to Williamsburg in January 1754.

The next month the Ohio Company, with the cooperation of Dinwiddie, began the erection of a fort at the "Forks of the Ohio" (junction of the Allegheny and Monongahela rivers), the great strategic value of which Washington was the first to recognize. Before the fort was finished a French force of some 800 captured

*"Forks of the  
Ohio"*

and destroyed it, constructing Fort Duquesne on the same site. Until late 1758 this fort in French hands dominated the region from the Alleghenies to the Mississippi. Meanwhile Dinwiddie had sent a small force under Washington and Colonel Fry to protect the English fort. In May 1754, near Great Meadows, Washington made a surprise attack upon a small detachment of French, killing ten of the party including their leader. Retreating to Great Meadows he built Fort Necessity, where on July 3 he was attacked by a much larger force from Fort Duquesne. With ammunition and provisions almost exhausted Washington capitulated on July 4, 1754. Thus in the backwoods of America, two years before England and France began the Seven Years' War in Europe, the frontier advance inaugurated a conflict which did not end until French power in the New World was finally destroyed.<sup>1</sup>

In the war just beginning England enjoyed several distinct advantages, the most important of which proved in the end to be naval supremacy. Moreover her colonies in America had a population probably fifteen times larger than that of the French; they possessed greater wealth and because of their agriculture, industry, and commerce were far more nearly self-sufficient. On the other hand the French had a stronger army and enjoyed unity of command; they did not have to depend upon representative bodies to vote men and supplies; their leadership for several years was superior; and most of the Indians fought on their side. Indeed by 1753 the red men were so much impressed with the French show of force that even the Iroquois were threatening to join them.

*Relative  
strength of  
combatants*

For the double purpose of conciliating the Iroquois and of establishing some kind of intercolonial organization for the management of Indian and military affairs, a general colonial conference was called by the English government. In June 1754 commissioners from seven colonies—Pennsylvania, New York, Maryland, and New England—met in the Albany Congress. There the Iroquois aired their grievances (encroachments upon their lands and trade) and denounced the English as being like women

*The Albany  
Congress*

<sup>1</sup> England and France did not declare war on each other until 1756. In the meantime both sent armies to America, the while each assured the other of its peaceful intent.

whom the French would turn out of doors. By dint of many presents the alliance was renewed, although the Iroquois decided to remain neutral. The Congress then settled down to devise a scheme of union for colonial defense. The "Albany Plan," drafted by Benjamin Franklin of the Pennsylvania delegation, was the result. The plan called for a President General to be appointed by the crown, and a federal council composed of delegates from all the colonies. Together they were to have control of Indian affairs, defense, and trade, and in addition the necessary power of taxation to make such control effective. The plan was adopted by the Congress but rejected unanimously by the colonies; they were not yet ready to sacrifice any of their independence even in the face of the French and Indian menace. The British Board of Trade offered a substitute plan—one commissioner from each colony to constitute a council on matters of defense—which was likewise flouted.

*Colonial aid in the war* Having rejected both plans, the colonies were left to their own devices and jealousies in deciding how much they should contribute toward defeating the common enemy. In general, those colonies in most danger of attack did reasonably well, although Pennsylvania, notably, hardly lifted a hand until its frontier population was driven to desperation by French and Indian massacres. At times the legislatures in several colonies showed greater concern in winning a victory over the royal governor than in protecting the colony from the more distant enemy. The colonies farthest removed from the theater of warfare showed a cheerful disposition to let others win the war. Frontiersmen of a given neighborhood might fight like devils when the enemy invaded, but in most cases the thought of what might happen to families while the men were absent was a compelling reason for not going to fight on some distant front. Under the circumstances, all things considered, the colonists probably fought as well as could be expected.<sup>1</sup>

*British plans* On hearing of Washington's defeat at Great Meadows, England prepared to send two regiments of fighting Irishmen to Virginia; and the French, in spite of the British navy, sent an army to Quebec. General Edward Braddock, appointed to the command

<sup>1</sup> See Chapter IX.

of all American forces, arrived with his regiments at Alexandria in March 1755, and after a great delay was ready to move on Fort Duquesne. The British plan of campaign called furthermore for cooperation with the colonials in an attack on Fort Niagara, commanding the lake route to the west, and Crown Point which dominated the water route by way of Lake Champlain.<sup>1</sup>

General Braddock, "rough, brutal, insolent, and brave," was considered the best general in England, but he did not know how to fight the American way and was contemptuous of Virginia militiamen who could have given him enlightenment. He did take a few hundred along, however, including Washington whom he invited to join his staff. Cutting a road through the forests as he advanced from Fort Cumberland, his main body on July 9, 1755, was about eight miles from Fort Duquesne when attacked by the French and their allies. The British redcoats, whose blind volleys killed more Virginians than French, made a fine target for the enemy concealed behind trees. Four horses were shot under Braddock before he fell mortally wounded. Washington saved the remnants of the army. The disaster was well-nigh complete. Bad judgment contributed to Braddock's failure, but it was on Washington's advice that he had advanced with a portion of his army, leaving the rest behind. More important still, it was not Braddock's fault that every governor failed him in the matter of supplies, and that many of the horses and wagons which he secured only with great difficulty were practically worthless. Finally, the long hard way that he traveled was not of his choosing, nor did Pennsylvania open a road to the Great Meadows as that colony had agreed.

*Braddock's  
defeat*

In the same year the expedition against Niagara was abandoned, while William Johnson, famous "squaw man" and friend of the Iroquois, failed to take Crown Point, although he held his own in the battle of Lake George and captured the French commander, Dieskau. His influence with his Indian followers was strong

<sup>1</sup> Still another objective was the subjection of the Acadians to British allegiance lest they give aid to the French. These Catholic French had been English subjects since 1713 but, encouraged and threatened by their priests, had never sworn allegiance to Britain. In 1755 they were given the last opportunity to take the oath. Refusing, about 6000 were deported. The tragedy of the removal is portrayed in Longfellow's *Evangeline*.

enough to prevent them from roasting and eating the unhappy Frenchman.

Nearly all the Indians of the West, who had not previously done so, joined the French after Braddock's defeat, and bloody scalping forays swept over the frontier of Virginia, Maryland, and Pennsylvania, taking a frightful toll in women and children. Sometimes Frenchmen donned warpaint, outdoing the savagery of their allies. For three years Washington and his small army of colonials gave to this 400-mile frontier the only protection it had. He did his work well, but his forces were entirely inadequate for his task, and the English frontier was pushed back to the Alleghenies or farther.

*Montcalm  
and French  
victories*

In 1756 England and France declared war, and the Marquis de Montcalm was sent over to take command of Canadian forces. This quiet, scholarly soldier was a gentleman of deep piety. From the first he despised the brutal savages who as allies of the French complicated his problems as well as giving aid. In spite of difficulties with the jealous governor, Vaudreuil, and of scandalous corruption in Quebec, Montcalm won victories which entitle him to first place among all French officers who ever served in America. In 1756 he captured Oswego on the south shore of Lake Ontario, wrecking English hopes of dominating the lake region, and the next year repeated his success at Fort William Henry at the southern end of Lake George. A British expedition failed to capture Louisburg. At the close of 1757 the French still controlled the three approaches to Canada, and in India and Europe also everything had gone wrong for the English.

*William Pitt*

But the tide of British victory already was setting in. In that year (1757) William Pitt was given entire control of the war, and for four years was virtually a dictator. The genius of this gouty, irascible "Great Commoner" was matched only by his conceit. "I am sure I can save this country, and that no one else can," he was credited with saying. Before many months had passed it appeared that he was as good as his boast. He discarded old generals and chose young ones of fighting spirit—Jeffery Amherst, James Wolfe, George Howe. He subsidized Frederick the Great in order to keep France engaged in Europe, persuaded the colonies to raise troops by offering to pay the entire cost of their equipment,

and marshaled the navy to prevent the sending of French reinforcements to Canada. In 1758 Louisburg was taken and destroyed, Forts Oswego and Frontenac were captured, and John Forbes marched across Pennsylvania to find the smoking and abandoned Fort Duquesne. A new fort, called Fort Pitt, was begun almost immediately. Only one approach to Canada was left in French hands—Montcalm still held Ticonderoga.

The British plan for 1759 called for the capture of the remaining frontier posts and a bifurcated movement against Quebec by way of Lake Champlain and the St. Lawrence. Pitt sent from England all the regulars needed. General Amherst, commander-in-chief of American forces, advanced by the former route to join Wolfe, whose army was transported to Quebec by the fleet of Sir Charles Saunders, arriving in June. Along the heights of Quebec Montcalm's army, larger than the British, occupied a position considered impregnable. It was Wolfe's purpose to draw the French into battle, Montcalm's to avoid it until winter should compel an abandonment of the siege. Amherst failed to arrive. Taking a desperate chance, Wolfe with 5000 men floated downstream at night to a point at the foot of the Plains of Abraham two miles west of the city. By morning, September 13, 1759, the 200-foot cliffs had been scaled. Montcalm ordered a charge. At forty paces a withering volley from the redcoats broke his lines. A bayonet charge completed the rout, and Montcalm and Wolfe lay dying.

*The fall of  
Quebec*

Only Montreal remained to the French, and that fell to Amherst the following year. The conquest of New France was finished and the war in North America was over. But in Europe and the West Indies hostilities continued until 1763. Pitt wished to fight until France was crushed, but the accession (1760) of the obstinate and ambitious George III changed the outlook. The King favored peace in order to be rid of the powerful Pitt. Finding his new position intolerable, the great "organizer of victory" resigned in 1761. The next year Spain entered the war only to lose Cuba and the Philippines. English forces seized all the French West Indian islands as well.

*End of  
the war*

Preliminaries of peace in 1762 were made definitive by the treaty signed at Paris on February 10, 1763. It called for sweeping



*The Treaty  
of Paris*

changes in the map of North America. To England, France ceded all Canada except St. Pierre and Miquelon—the small islands in the Gulf of St. Lawrence which she has kept to the present day—as well as all Louisiana east of the Mississippi except the Isle of Orleans.<sup>1</sup> In the West Indies England got several islands, but France retained Guadeloupe, Martinique, Santa Lucia, and the western portion of Santo Domingo.

During the negotiations Britain long debated whether to keep Canada or the valuable sugar islands of Guadeloupe and Martinique, inasmuch as France would continue fighting rather than lose all three. For several reasons, including the effectiveness of Benjamin Franklin's arguments, it was decided to retain Canada. After all, the English colonists had fought the French and Indians so many years that their interests were not lightly to be denied; the fur trade of Canada was valued highly; and British West Indian planters did not want the competition resulting from the admission of the large French islands to the benefits of British control. That England would be taking a serious risk of losing her colonies, once the French menace had been removed, and with it their dependence upon England for protection, was pointed out at the time. That danger must be left in the lap of the future.

To Spain, France ceded the Isle of Orleans and everything she claimed west of the Mississippi. This was done not for the purpose of compensating unlucky Spain for her loss of Florida, as commonly believed, but rather to induce her to make peace promptly, lest England demand still more territory. Spain surrendered Florida to England in order to recover Cuba.

*Exit France*

Reduced to the status of a second-rate power, the humiliation of France was extreme. She retained not a foot of soil on the mainland of America, and only a few small islands in American waters. North America seemed clearly destined to be English. Spanish claims were still extensive, it is true, but Spanish might was broken long before. The Dutch were eliminated by 1674, and now, after three-quarters of a century of conflict, the French had followed them.

<sup>1</sup> This "island," on which the city of New Orleans stood, is bounded on the north by the bayou (called the Iberville River) which makes a water connection from the Mississippi through Lakes Pontchartrain and Maurepas to the ocean.



BRITISH TERRITORY AT CLOSE OF FRENCH AND INDIAN WAR  
(PROCLAMATION OF 1763)

Having dispossessed the French, what should be done with their savage allies, and with the colonists who were eager to occupy the fair lands from which the French had been driven but which the Indians still occupied? Without consulting their Indian allies, the French had surrendered Canada to the English on September 8, 1760. The red men could see the handwriting on the wall—English settlers would soon be pouring over the mountains, and they were unlike the easygoing French *coureurs de bois*.

"Pontiac's  
War"

Although beaten, the French were still in Canada, encouraging the Indians to think that the English would soon be overthrown by a great imaginary French army that was coming for that purpose. After one Indian plot was discovered, another broke with sudden fury in May 1763. For many years this uprising has been known as "Pontiac's Conspiracy," so called from an Ottawa chief-tain who supposedly inspired the movement. Actually, so far as contemporary evidence shows, he was known only to the Indians in the neighborhood of Detroit, and had but little influence in stirring up a general war. Almost simultaneously the English posts throughout the entire Northwest were attacked. All fell except Fort Pitt, Niagara, and Detroit, followed by massacre, burning, scalping, and nameless other atrocities. Pontiac himself directed the attack on Detroit, but the desperate courage of its defenders enabled them to withstand many weeks of terrible siege until relieved. Peace negotiations, begun in 1764, were completed in 1766. English sovereignty was recognized, and Pontiac was pardoned. Three years later he was murdered at Cahokia by a member of his own race.

The problem  
of land and  
Indians

The outbreak of Pontiac's War emphasized the importance of the Indian problem and speeded the adoption of a policy which it was hoped would prevent continued bloody warfare between them and colonists who were determined to occupy the Ohio Valley. Even before the French and Indian War, British ministers had been considering the difficult question of how to improve the unsatisfactory colonial management of Indian relations.<sup>1</sup> Un-

<sup>1</sup> Prior to 1755 Indian affairs were largely controlled by the separate colonies, with such unsatisfactory results as to constitute one reason why most of the tribes joined the French. In 1755-1756 imperial control was inaugurated under the direction of two superintendents, one for each of two Indian departments. Sir William Johnson was appointed to the northern department in 1755. Edmund Atkin was

principled traders and rum were potent factors for ill, but more fundamental was the white man's land hunger. Until the French were beaten the English government had encouraged frontier settlement. The grant to the Ohio Company is a good example. In 1754 Governor Dinwiddie was instructed to grant tracts west of the mountains, and bounties were offered to colonial soldiers. By 1757 as much as two million acres had been granted. The close of the French and Indian War opened new and intoxicating prospects for land speculation in the region from which the French had been driven. The Mississippi Company (1763), of which Washington was a member, had plans for occupying an enormous tract at the mouth of the Ohio. It was only one of several projects of this kind.

Great was the disappointment of the colonists when they learned of the King's Proclamation of October 7, 1763. This proclamation was issued not only for the purpose of solving the conflicting interests of Indians and white men, but also to provide government for the territories acquired from France. On the mainland three new provinces were created—Quebec, East Florida, and West Florida—but the vast region west of the Appalachian Mountains and from the lands of the Hudson's Bay Company to the Floridas was reserved for the Indians. Furthermore all the King's "loving subjects" were forbidden to settle beyond the heads of rivers flowing into the Atlantic, nor might governors grant any land therein until the King's "further pleasure be known." Any settler already in the region must leave, and private purchases of land from the Indians were forbidden. As a further safeguard for the Indians, all traders who went among them must henceforth secure a license from a royal official.

*The Proclamation of 1763*

The measure was conceived in such spirit of fairness as the detached position of ministers and imperial interests dictated; but to the colonists it appeared as an evident design to rob them of the fruits of their victory. English compunctions about the rights of the Indian roused no sympathetic response in the breasts

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in charge of the southern department until 1762, when he was succeeded by John Stuart. Soon after his appointment Johnson began urging upon the Board of Trade the advisability of fixing a line beyond which white settlers should not go.

of frontiersmen who had seen the noble red man collecting the bloody scalps of women and children. That the proclamation line was intended as a temporary limit of white advance, until the Indians could be conciliated, is supported by abundant evidence; nor was it intended to change the boundaries of the old colonies. But to the colonists it represented a selfish design to further imperial interests at their expense. As we shall see (Chapter IX) the line was changed, but the prohibition of settlement beyond it was never lifted.

The Proclamation of 1763 did not stop the westward movement—King George III and all his friends could not do that—but it did greatly cramp the style of the large land speculators, and it rankled in the breasts of so many colonists that it may well be considered one of the major causes for the discontent which produced the Revolutionary War.

## Chapter Nine

### PROBLEMS OF EMPIRE

OF ALL turning points in colonial history the French and Indian War is easily one of the most significant. It resulted in the expulsion of the French from North America and automatically severed one of the strongest bonds of colonial attachment to the mother country. It gave to the colonists a common experience which encouraged self-consciousness and a spirit of independence which in turn rendered them less willing to submit to new imperial regulations. The experiences of the war, sharpened by the unsatisfactory cooperation of the colonies, demonstrated the weaknesses of the old colonial system and convinced English ministers that a thorough overhauling was necessary. In short, although Britain emerged from the war mistress of the seas and the greatest colonial power in the world, more problems had been created than solved. The blundering attempts of her ministers to find a solution for these problems—political and military administration of the colonies old and new, Indian and land relations, and revenue for the imperial system—finally produced the Revolutionary War.

*Significance  
of French  
and Indian  
War*

The deportment of most of the colonies during the war (1754-1763) was the cause of much bad feeling in England. Britain expected each colonial assembly to furnish its proportional share of men and money—the “requisition system.”<sup>1</sup> Massachusetts, Connecticut, and New York supplied their quota, but the others generally flouted Britain’s requests, cooperating only when they felt disposed. The massacre of frontiersmen in Pennsylvania could hardly shake the war aversion of powerful Quakers in that

*Colonial  
support of  
the war*

<sup>1</sup> This called for pay and clothing to be furnished by the colonies, while Britain would supply arms, ammunition, and provisions. Actually, by way of encouraging colonial action, Parliament bore about two-fifths of the expense incurred by the assemblies in supplying troops.

colony; Virginia, with more at stake in western lands than any other colony, centered her attention on winning a victory over Governor Dinwiddie before pushing war measures; New Hampshire considered herself too poor to cooperate; North and South Carolina were so distant that they felt called upon to make only negligible contributions. The great battles which defeated the French were won by British redcoats and the navy. But this is not to say that the colonists, particularly the frontiersmen, were unwarranted in believing that they had fought well and had done their share. After all, it was the continuous and persistent fighting of the back country that wore down the resistance of the Indian allies of the French; and in this warfare exposed settlers suffered a heavier toll of lives than was taken in all the formal military campaigns.

*Colonial  
trade with  
the French*

Equally if not more aggravating was a great volume of illegal colonial wartime trade with the French. At the beginning of the war Britain prohibited all trade with the enemy, and Massachusetts, New York, and Pennsylvania took similar action. But such measures had slight effect, and the Northern colonies continued the traffic in spite of all efforts to stop it. After all, the commercial colonies had evaded the navigation laws for many years, conducting a profitable trade with the French West Indies; consequently they were not disposed to mend their old ways just because a new war had begun. So, with ingenuity born of long experience in law evasion and stimulated by a keen nose for profits, Yankee merchants readily found devices for continuing the illegal traffic. Through neutral Spanish and Dutch islands products could readily be exchanged with the French. Monte Cristi in Santo Domingo, just across the border from French Haiti, was a favorite depot for such activity. Possessing no commercial importance before the war, this port quickly blossomed into bustling life as many ships from New England, New York, and the Chesapeake—sometimes as many as 100 at a time—stood at anchor in its harbor. Other trade with the enemy was by way of Cape Breton, or directly overland to Canada. Much of the beef and flour consumed by the French colonial army was secured in this way. In other words, New England, New York, and Pennsylvania supplied the sinews for French victories before 1758.

One fairly common device employed by merchants was to secure "licenses" from colonial governors permitting vessels to go to enemy ports under a "flag of truce" for the ostensible purpose of exchanging prisoners of war. The governor of Pennsylvania finally sank so low as to sell blank "licenses" at £20 each, and Philadelphia merchants did a flourishing business in forbidden merchandising. The net result of such practices was that provisions were more plentiful in the French than in the British West Indies; England had to supply in part her soldiers in America because of the heavy colonial sales to the enemy; and the defeat of France was made relatively more difficult. Pitt declared that the war was prolonged three years by the disloyalty of the colonists.

In an attempt to control the illegal traffic, Britain in 1757 forbade the exportation of all foodstuffs (excepting rice and fish) to any place outside the empire. The previous year an English admiralty court laid down the famous "Rule of 1756"; that is, trade not permitted in time of peace would not be legal in time of war. The application of the rule gave the British an excuse for using the navy in breaking up Dutch and Spanish trade with French colonies—trade which France had not permitted before the war. A further device for breaking up illegal trade, one that antagonized the colonists more than any other, was the use of "writs of assistance" (general search warrants) as a means of enforcing the Molasses Act of 1733.<sup>1</sup> That measure had imposed prohibitive import duties on French and other foreign colonial products entering the English colonies. Customs officials armed with ordinary search warrants, which were issued only on information specifying both the place to be searched as well as the goods to be found, could make little headway in breaking up smuggling. But with a writ of assistance they could search any ship or building, and thus run down the elusive goods.

Smarting under the effectiveness of the writs, Boston merchants engaged James Otis to challenge their legality. In a fiery speech *James Otis*

*British efforts  
to suppress*

*"Writs of  
assistance"*

<sup>1</sup> Writs of assistance (authorized by a Parliamentary statute of 1662) were first issued by the superior court of Massachusetts as early as 1755, but for five years seem not to have caused any excitement. On the death of George II (1760) the old writs lost their validity, and new ones had to be secured. It was on this occasion that James Otis made his famous protest. Except in Massachusetts, these general writs were not used in any of the colonies after 1750.



(1761) Otis denied the right of Parliament to establish such an act because, as he declared, it was in violation of the constitutional rights of the people to be free from unreasonable searches in their homes. He lost his case—writs were used until the Revolution—but in renouncing the supremacy of Parliament over the colonies he took a step of great portent for the future.

*The  
"Parson's  
Cause"*

If Otis, as John Adams later believed, fired the opening gun in the Revolution, Patrick Henry fired the second two years later in Virginia. The occasion was a civil trial known as the "Parson's Cause." In 1748 Virginia had fixed the annual salary of its Anglican clergy at 17,200 pounds of tobacco. In 1755 and again three years later, when bad crops caused a great advance in price, the assembly authorized payments in Virginia currency at the rate of two pence per pound. With tobacco worth almost three times that amount, the clergy were much dissatisfied with their poor salaries of approximately £145, and appealed to the Privy Council, which vetoed the law. Several clergymen then brought suit to recover arrears in salary. In Hanover County the vestry engaged Patrick Henry to defend the parish. Because the law was clearly on the side of the plaintiff, Reverend James Maury, the court ruled (1763) that he was entitled to back pay, and the jury was instructed to fix the amount. But in such a torrent of eloquence as to sweep the jury from its feet, the youthful Henry repudiated the right of the Privy Council to disallow acts of the colonial assembly. The "parson" was awarded only one penny.

Thus the mature and brilliant James Otis, speaking for New England merchants who objected to commercial regulations which interfered with their profits, denied the supremacy of Parliament, while the upstart Patrick Henry, representing debt-ridden Virginia planters, flouted the royal prerogative as vested in the Privy Council. There were explosive possibilities in a setting which made such expressions of opinion popular in the two leading colonies.

*The Western  
problem*

After the war frontiersmen, for their part, were defying the crown by violating the Proclamation of 1763. The failure of the British government in its well-meaning efforts satisfactorily to solve the western problem demands further attention. The principal elements of difficulty presented by the West were the Indian

problem, the fur trade, the problem of colonial land claims and territorial administration, and the problem of the French who remained in the territory. Pontiac's uprising, encouraged as it was by the French, clearly showed the possibilities for trouble presented by an alien population of about 60,000 people scattered over a wide area. The suppression of the Indians—by British regulars because colonial cooperation was ineffective—emphasized what Englishmen believed to be the necessity for imperial control. On the other hand, several colonies, Virginia particularly, had old and well-founded claims to the West which could not be denied without serious trouble.

The Proclamation of 1763, establishing the Colony of Quebec and a line of demarcation between white settlers and Indians along the crest of the Alleghenies, was a definite point of departure for the solution of these problems. But already several factors had entered to change the British attitude toward the whole complex situation. For one thing, settlement as a bulwark of defense against the French need no longer be encouraged. Then, too, it was considered good policy to hold the settlers to the Atlantic side of the mountains in order to keep them dependent on England for goods. If they moved beyond the watershed their natural outlet would be the Mississippi, in Spanish territory. Moreover, there were intriguing possibilities in the prospect of working out a land policy productive of revenue with which to make royal officials independent of colonial control in the administration of trade and navigation laws. But most attractive to all, in the eyes of many Englishmen, was the happy thought that the great region would be most profitable if reserved for Indians and fur-bearing animals.

*Complications*

In 1767 the enlightened Lord Shelburne proposed three new royal colonies and also directed the negotiation of treaties for pushing the line of 1763 farther westward.<sup>1</sup> His successor, Lord Hillsborough, the first Secretary of State for the Colonies (1768), scrapped the plan for colonies. He favored a carefully regulated westward advance of settlement only upon lands purchased from the Indians. Beyond the line, in territory reserved for Indians

*New Indian treaties*

<sup>1</sup> At that time Shelburne was Secretary of State for the Southern Department, the duties of which office included the administration of colonial affairs.

and fur traders, the policy of exclusion was not to be changed. Accordingly (1768) Sir William Johnson negotiated the Treaty of Fort Stanwix by which the Iroquois, dazzled by twenty boat-



PROPOSED WESTERN COLONIES, 1763-1775

loads of presents, surrendered a great area in central New York and southwest Pennsylvania, together with their doubtful claims south of the Ohio River as far as the Tennessee. In the same year at Hard Labor (supplemented by the treaty of Lochaber, 1770) John Stuart secured from the Cherokees the land now within the limits of West Virginia.

These Indian cessions represented the limit to which western lands were ever opened by the British government. The temporary ban on settlement in 1763 became permanent beyond the newly established line. But it seems evident that a departure must have been made if the Revolution had not intervened, for before that time several projects were on foot looking to the removal of the barriers. Among the ambitious companies organized by colonial speculators for the purpose of securing title to enormous western lands was the Grand Ohio Company. Backed by many influential men on both sides of the ocean, this company sought to establish the colony of "Vandalia" in what is now West Virginia and Kentucky east of the Kentucky River; but in 1774 the last hurdles had not been cleared.<sup>1</sup> On June 22 of that same year Parliament dealt the colonies (Virginia in particular) an unforgivable blow by passing the Quebec Act, adding to the province of Quebec all territory northwest of the Ohio. At one stroke the western claims of four colonies were nullified; moreover the profitable Ohio fur trade would henceforth be controlled by the governor of Quebec, and, therefore, diverted to Montreal.

The Quebec Act of 1774 was a superfluous affront to frontier Virginians who, in their determination to occupy the West, already had begun bitter fighting with the war-eager Shawnees on the Ohio below Pittsburgh. Lord Dunmore's War it is called, after the governor of Virginia who was himself a speculator and thus in sympathy with other Virginians who seemed on the verge of exclusion from West Virginia and Kentucky by the Vandalia project. The Quebec Act was the last straw. In the fall of 1774 Dunmore led an army down the Ohio from Pittsburgh—which the Virginians had seized in their quarrel with Pennsylvania—in order to join General Andrew Lewis who had marched with over a thousand men from the Greenbrier to the Ohio. Before the junction was made the Shawnees under Cornstalk attacked Lewis (October 10) at the mouth of the Great Kanawha (Point Pleasant) and were decisively beaten in a bloody all-day battle. It was the colonial idea of how to deal with Indians who attempted

*Lord  
Dunmore's  
War*

<sup>1</sup>Other proposed colonies included "Charlotiana" (embracing the great triangle between the Maumee, Wabash, and Mississippi rivers, and the Great Lakes) and "Transylvania," which is discussed below in this chapter.

to block the "march of civilization." Their power broken, the Shawnees surrendered all claim to land south and east of the Ohio. The Virginians were ready to occupy eastern Kentucky.

*The  
Watauga  
settlement*

Fighting with Lewis at Point Pleasant were men from the Watauga country, in what is now northeastern Tennessee. Back-country Virginians began a settlement on the Watauga River in 1769. Others joined them, including some defeated "Regulators" from North Carolina.<sup>1</sup> Because these frontiersmen were beyond the reach of any functioning colonial government and were in need of protection from outlaws and horse thieves, they followed their leaders James Robertson and John Sevier in setting up a representative government of their own in 1772, under written articles known as the Watauga Association. In the same year, because they found themselves beyond the imperial line established by treaties with the Cherokee, they leased lands from that tribe. Thus were backwoodsmen flouting the new British frontier policy, while great men were thinking in terms of land companies and new colonies.

*Boone and  
Kentucky*

From Watauga, in the spring of 1775, Daniel Boone with a small party blazed the "Wilderness Road" through the Cumberland Gap into the inviting blue-grass region of Kentucky, and founded Boonesborough on the Kentucky River, April 2, 1775. Not far distant at Harrodsburg other settlers, from Pennsylvania, had been in residence for a short time. Boone was in the service of the Transylvania Company, which was undertaking the founding of a new colony.<sup>2</sup> This company of North Carolinians was organized in 1774 under the leadership of Judge Richard Henderson. The next year, at Sycamore Shoals on the Watauga, Henderson purchased from the Cherokees such title as they had to the vast region between the Kentucky River and the southern watershed of the Cumberland River. He had reason to believe that the royal government would sanction his action, but in April 1775 the

<sup>1</sup>The Regulators were frontiersmen of North Carolina who attempted to "regulate" abuses in representation, taxation, methods of tax collection, and the administration of justice. See Chapter X.

<sup>2</sup>Boone was a teamster with Braddock's expedition, fleeing on a horse from the scene of disaster. Thereafter he spent most of his time hunting and exploring, becoming familiar with a great portion of Kentucky during the five years preceding the opening of the Wilderness Road.

western problem became an American rather than a British one—the Battle of Lexington was fought seventeen days after Boone began his stockade on the Kentucky River. The governors of both Virginia and North Carolina gave Henderson slight consideration, and he unsuccessfully petitioned the Continental Congress to recognize Transylvania as one of the united colonies. In 1776 Kentucky was organized as a county of Virginia, and Transylvania collapsed.

One phase of Britain's new western policy, that of military defense, demands further consideration. The uprising of Pontiac emphasized the problem, particularly in view of the fact that the colonies failed to cooperate effectively in their own defense. The Board of Trade proposed a line of military posts along the Great Lakes and from the St. Lawrence to Florida, with sufficient soldiers to garrison them. General Amherst thought 5000 men would be adequate, but the ministry decided in 1763 to station twice that number in North America. The cost was estimated at £350,000 per year. Who should foot the bill?

*The probl  
of defense*

Never had colonial problems been more difficult, or more in need of expert handling. But the political situation in England was such as to maintain a low level of statesmanship until successive blunders pushed the colonists so far that there was no turning back. For forty years preceding the accession of George III (1760) the Whigs had been in control of the government, treating it "as a great plum pudding, meant to be enjoyed." The Tories had been ruined before the middle of the century by their supposed pro-French sympathies; consequently, freed from the restraints of opposition, the Whigs broke into factions, such as the "Old Whigs," the "Bloomsbury gang" (which acquired the reputation of being for sale), and the "Pittites."

*British  
politics*

It was an ideal setting for the new, twenty-two-year-old King to attempt a revival of the power of the sovereign, lost since the days of William III. George was a proper youth, "full of prejudices," who had grown up under strong feminine influence. His mother, a princess of a petty German state, had dinged in his ears the injunction, "George, be a king!" To him that meant a "patriot king" who was above party, choosing ministers responsible to him alone. "Farmer George," as he was popularly known because of

*George III*

his agricultural interests, was motivated by honest patriotism and a keen sense of duty. But his intellectual endowments were not impressive, and several times his mind wandered off into the twilight before being finally engulfed in darkness.

*The "King's Friends"* By means of honors, titles, offices, and even "cold cash" the King built up his own following, known as the "King's Friends." It was one faction against the rest of the gang, and in the absorbing game of politics ministers were frequently unhorsed. Because the King placed political control above statesmanship, no really capable man with an understanding of colonial affairs remained in office long enough to do constructive work. The ministers of George III honestly tried to deal fairly with the colonists and to keep them contented, and for ten years the King was conciliatory; but most of them were unqualified for the great task of working out a new imperial system after the Peace of Paris of 1763. In the end the price of failure was the loss of the thirteen colonies.

*The problem of revenue. Grenville* With the return of peace in 1763 England found herself encumbered with a staggering debt of some £130,000,000. The estimated cost of keeping a standing army of 10,000 men in the mainland colonies and the West Indies would add £350,000 annually. Where should the necessary revenue be secured? British taxpayers were in no mood to bear the increased burden of colonial administration. Surely the colonists could have no reasonable objection to paying a portion of the cost of their frontier defense! It fell upon George Grenville, Prime Minister and Chancellor of the Exchequer (1763-1765), to find the answer. Grenville was a businessman in politics. He was industrious and upright, with a passion for small economies, and he was nearly always right in little matters, but he lacked imagination. Grenville had learned, from what he considered a thorough study of colonial affairs, that it was costing about £8000 to collect one-fourth as much revenue in America. To remedy the situation he strengthened the customs service by enlarging the power of the navy and by ordering the collectors to their posts—a quaint notion that took the joy out of life for several who customarily resided in England. After additional study of the vexatious matter he decided that better enforcement of the trade laws, particularly the Molasses Act of 1733, might profitably be linked with the raising of increased revenue in

America. Acting upon his recommendation, Parliament enacted two measures of far-reaching significance—the Revenue Act of 1764, or Sugar Act, and the Stamp Act of 1765.

The Sugar Act was designed for the twofold purpose of breaking up smuggling and raising revenue. It placed duties on certain colonial exports and imports not previously taxed, increased the duty on foreign sugar and some other articles, and absolutely forbade the importation of foreign rum. Most important of all, the duty on foreign molasses was reduced from six pence per gallon to three. But the sweeping reduction on this important article in colonial trade brought little happiness to New England, for provisions were made for the actual collection of the duty. The power of customs officials, of the admiralty courts (where offenders were tried without jury), and of naval officers was increased. Three pence, collected, was quite a different matter from six pence evaded.

*The Sugar  
Act, 1764*

The Molasses Act of 1733 (imposing a duty of six pence per gallon on molasses entering the colonies from the French and Spanish West Indies) had been enacted through the influence of powerful West Indian sugar planters, living in England, who wanted a monopoly of the colonial molasses market. Its purpose, in other words, was to destroy their French and Spanish rivals rather than raise revenue; its effect, if enforced, would have been the ruin of the profitable Triangular Trade of the Northern colonies. However, lax enforcement of the law—in keeping with the current English policy of “salutary neglect”—encouraged wholesale evasion, and smuggling on a grand scale lasted until the Sugar Act became effective.

For several reasons Grenville's well-meant plan of punishing the colonies mildly, while raising revenue to be expended in their behalf, was a blunder of the first magnitude, and shows that he was sadly lacking in the qualities of statesmanship necessary for tackling the new imperial problems successfully. In the first place, some of the colonies, particularly Massachusetts, had sizable debts of their own, incurred during the war, and were ill-disposed to bear increased taxes for defense which they considered unnecessary inasmuch as the French menace had been removed. Moreover, the Sugar Act seriously threatened the prosperity of the

*Effect in the  
colonies*



colonies north of Maryland by interference with their trade in molasses, the principal ingredient in the old Triangular Trade.

*The  
"Triangular  
Trade"*

Because these Northern colonies produced little that England would accept (such as meat, cereals, and fish) in exchange for their imports from England, they always suffered an unfavorable balance of direct trade with the mother country. Seeking markets where they could be found, colonial merchants discovered a way of offsetting this disadvantage by developing the "Triangular Trade." There were several variations in this trade, but the most familiar pattern of the eighteenth century (when the trade was most flourishing) embraced New England, the Slave Coast, and the West Indies. A New England cargo of rum and some minor articles (iron, trinkets, cloth) would be exchanged in Africa for slaves, and perhaps in addition some pepper, ivory, and gold dust. The average price of Negro men was about 100 gallons of rum, and for women about eighty-five gallons. Then followed the horrible "middle passage" to the West Indies where the slaves could be sold for an average of about £21 and £18. With a cargo of molasses and other products the final leg of the voyage would be completed to the New England home port. The trade not only laid the foundations for many modest fortunes but provided most of the hard money with which the colonies met their adverse balance of trade with England.

As the New England output of rum increased, the consumption of molasses by its distilleries outran the British West Indian production. The French islands not only supplied the balance but cut heavily into the British trade, because French planters could sell at prices from twenty-five to thirty-five per cent lower than their British rivals. By 1764 the mainland colonies were importing seven or eight times as much molasses as the British islands produced. Indeed the latter could not meet the demands of the Rhode Island distillers alone. Manifestly the life of the industry depended on French molasses, and that at favorable prices.

*The molasses  
duty reduced*

Colonial merchants were convinced, and by 1766 they were able to persuade Parliament, that a one-penny tax was all the trade would bear. They were not seeking trouble. They enjoyed the protection from foreign competition and from pirates which the British trade laws and navy afforded, and they expected a growth

of trade as a consequence of Britain's territorial expansion at the expense of France. The Sugar Act was an unstatesmanlike measure which seriously threatened the prosperity of the colonial merchants, struck at their chief source of hard money, and adversely affected everyone else, such as farmers, fishermen, and distillers, who had an economic interest in the West Indian trade.

Of great significance for the future of imperial relations was a phrase in the preamble of the Sugar Act of 1764 which provided the basis for colonial objection on the score of unconstitutionality. "Whereas it is expedient that new provisions and regulations should be established for improving the revenue of this kingdom . . . and whereas it is just and necessary that a revenue be raised in your Majesty's said dominions in America. . . ." No one denied the right of Parliament to impose such duties as might be necessary for the regulation of imperial trade, but taxation for the primary purpose of raising revenue was a different matter. Samuel Adams found in the Act "taxation without representation," and got himself elected to the Massachusetts House of Representatives. Livelier days, when this kind of rationalization of grievances became general, were not far distant.

*The issue of constitutionality*

In the same year that the Sugar Act became law the colonies sustained another jolt when they were forbidden by Parliament to issue any more paper money as legal tender.<sup>1</sup> The generous colonial indulgence in this type of currency had caused great disturbance among British merchants, who believed that the use of paper was a device for defrauding creditors. The colonists for their part were much aggrieved because they never had a sufficient amount of hard money; because much of what they did have was continually being drawn to England by an unfavorable balance of trade; and because the Sugar Act struck heavily at their chief source of supply.

*Paper money legislation*

Thus the colonists were in no pleasant frame of mind when Parliament supported Grenville in his greatest blunder by passing the Stamp Act of March 22, 1765. Grenville had announced a full year in advance that additional revenue measures would be

*The Stamp Act, 1765*

<sup>1</sup> Massachusetts, 1690, was the first to issue such money. In subsequent years all the others followed suit. Paper money (Bills of Credit) was commonly issued for the purpose of raising revenue in time of war.

necessary for raising the colonies' share (about one-third) of the cost of maintaining an army in America. At that time he proposed a stamp tax as the easiest and fairest device. Meanwhile the colonists had the opportunity of suggesting something more to their liking. In memorials and petitions several colonial assemblies strongly protested against a stamp tax, declaring that it would be inconsistent with the inherent right of every British subject not to be taxed but by his own consent or that of his representatives; but they failed to offer any satisfactory substitute.

Grenville proceeded complacently with his plans, and almost without a ripple of excitement Parliament passed the famous Stamp Act by a heavy majority. Colonel Isaac Barré, it is true, did enliven a few minutes by a fiery little speech in which he applauded the colonials as "sons of liberty." The measure provided for the imposition of stamp duties on all commercial and legal papers, such as licenses, commercial bills, ship's clearance papers, bonds, deeds, and leases, and upon newspapers, almanacs, pamphlets, and other printed matter, including playing cards. The tax ranged from a halfpenny to four pounds. All revenue was to be expended in the colonies. Offenders against the law were triable in the admiralty courts. The act would take effect on November 1, 1765.<sup>1</sup> To make the tax less unpalatable, only Americans (one for each colony) were to be Stamp Distributors. Some prominent colonials, including Richard Henry Lee of Virginia, applied for the positions only to discover that their action was surprisingly unpopular. Lee in particular soon suffered embarrassing difficulty in explaining his motives.

*The setting  
for colonial  
opposition*

The first reaction to the Stamp Act in the colonies was deceptive—it was the lull preceding the fireworks. All that was needed for violent opposition was leadership. The colonists were suffering from a severe depression following the war; the King's Proclamation, forbidding settlement beyond the mountains, rankled; the effect of the Sugar Act was becoming keenly felt, and the Currency Act left a bad taste. The Stamp Act was peculiarly vulnerable, not only because it was a direct tax that touched all classes,

<sup>1</sup> Another measure of 1765—one destined to stir up violent trouble—was the Mutiny ("billeting") Act. It required the colonial governments to furnish certain provisions, and to billet soldiers in barns, inns, and uninhabited houses if barracks were not available.

draining away the ever-scarce colonial specie, but because it antagonized the most vocal groups in the colonies—the clergy, lawyers, and journalists—none of which customarily hid its light under a bushel.

The first formal expression of opposition was made in Virginia, and the agent was the twenty-nine-year-old Patrick Henry, who, as the hero of the "Parson's Cause," had been honored with a seat in the House of Burgesses. The rather slouchy appearance of this new member belied his means, for he had prospered in the legal profession, to which he had turned a few years earlier when starvation stared him and his little family in the face. Henry entered the assembly on May 20, 1765, and immediately exposed a questionable financial deal which embarrassed some of the well-to-do members, and helped align the western counties against the Tidewater. News of the Stamp Act gave him an opening for another bold stroke. Deferring neither to age nor length of service, he presented (May 29) seven historic resolutions. According to Thomas Jefferson, who took time from his college studies to listen in, the resolutions precipitated a "most bloody" debate.

*Patrick  
Henry*

The substance of the resolutions was that Virginians had the same rights as Englishmen at home, and that they owed obedience therefore to tax laws passed by no legislative body except the House of Burgesses. In "torrents of sublime eloquence" Henry defended his resolutions, five of which carried by a close margin. It was on this occasion that he called upon George III to profit by the examples of Caesar and Charles I, and was called down by cries of "treason." The next day, after Henry left town leading his lean horse, to spread further "treason" as some believed, the House expunged the resolution considered to be the most radical. But all seven were published throughout the colonies, and they exerted a powerful influence in stirring up opposition to the Stamp Act. John Adams in 1776 attributed to the author of these resolutions the "glory" of beginning the Revolution. At a later date, as previously mentioned, he accorded the honor to James Otis.

*The Virginia  
Resolutions*

About a week after the Virginia assembly acted on Patrick Henry's resolutions, the Massachusetts House of Representatives, under the influence of James Otis, issued a call to all the colonies for a meeting of delegates to be held at New York for the purpose

*The  
Stamp Act  
Congress*

of a united protest against the action of Parliament. Nine colonies responded by sending twenty-seven delegates who met the following October (1765), the month before the Stamp Act would become effective.<sup>1</sup> Claiming all the rights of Englishmen, these delegates denied the right of Parliament to impose any tax on the colonies without their consent, "or by their representatives." Distance precluded representation in Parliament, therefore no taxes could be "constitutionally imposed on them, but by their respective legislatures."

*Constitutional arguments*

Thus the colonists' idea of representation—the basic question in the constitutional issue with England—was given formal and impressive expression. To them, representation in Parliament meant that they themselves must actually elect their own members to the House of Commons. Most Englishmen, on the contrary, accepted the orthodox doctrine of "virtual representation," and were supported by the greatest lawyer of the time, Chief Justice Mansfield. According to this theory Parliament was sovereign and represented all parts of the empire, the colonies equally with the British Isles. Why should the colonists expect more favorable treatment than four-fifths of Englishmen at home who had no votes in choosing members of Parliament? Whether logical or not, the argument failed to impress the colonial mind.

Another phase of the constitutional issue at this time was the colonial distinction between "external" and "internal" taxes. No one denied the right of Parliament to regulate foreign trade and to levy such duties, therefore, as might be necessary for that purpose. The Sugar Act, for example, imposed an "external" tax—a duty on goods collected at the port of entry. Internal taxes, such as those imposed by the Stamp Act, were unconstitutional, the colonists insisted, unless determined by their elected representatives. Appearing before the House of Commons for questioning, Franklin emphatically declared that the colonists would not pay the tax. He proved to be right.<sup>2</sup>

<sup>1</sup> New Hampshire refused to participate. Virginia, North Carolina, and Georgia were unrepresented, probably because the governors refused to convene the assemblies to consider Massachusetts' invitation.

<sup>2</sup> He had not been greatly moved by the passage of the act, and successfully interceded in behalf of two friends who wished appointment as stamp distributors.

Meanwhile the colonial populace resorted to direct action. Organized groups, called "Sons of Liberty," sprang up in various communities and resorted to extralegal methods for defeating the law. When, in August 1765, it was found that Andrew Oliver was the stamp distributor in Boston, a mob of "sons" destroyed his office and scared him into resignation. A few days later, well fortified with rum from the ransacked cellar of a customs official, the mob invaded the beautiful mansion of Lieutenant-Governor Hutchinson and destroyed its priceless possessions, leaving but a shell. Before November 1, when the law went into effect, every distributor in the colonies had given up his post, and much of the stamped paper was destroyed by "true sons of liberty." Thereafter few were so bold as to risk the displeasure of the mob by handling the stamps. *The "Sons of Liberty"*

For a few weeks after the law became operative there was a fairly general suspension of such business as required stamps; ships could not clear from port, and court sessions were suspended except in Rhode Island. But by degrees activity was resumed as usual without the stamps, and in open defiance of the law. In colony after colony merchants adopted nonimportation agreements, which proved to be the most effective weapon used against England during the decade preceding open warfare in 1775. New York merchants were the first to act. Not until the Stamp Act was repealed would they order any more goods! As merchants of other leading towns followed suit, British manufacturers and merchants in turn brought pressure to bear on Parliament for repeal.

The nullification of the Stamp Act gave Parliament pause, and the outspoken criticism of Pitt, who rejoiced, as he said, that America had resisted, bore weight. But most effective were the importunities of British merchants whose business was being badly damaged by the American boycott on their goods, not to mention the refusal of colonists to pay their debts. Although King George liked the Stamp Act he was still disposed to be conciliatory. Grenville was out, and so the new Rockingham ministry had Parliament repeal the provocative measure in March 1766. *Repeal of the Stamp Act*

*The  
Declaratory  
Act*

Manifestly Parliament had suffered a major defeat at the hands of the colonies, but to save its face a Declaratory Act was passed at the same time announcing the sovereign "power and authority" of that body to make laws binding upon the colonies "in all cases whatsoever." Because Parliament did not wish to damage trade it also reduced the duty on molasses from three pence a gallon to one. Americans, however, were too busy celebrating the demise of the Stamp Act to pay much attention to either measure. Beer flowed freely, many toasts were drunk to the King, and in New York a mounted statue of His Majesty, cast in lead, was erected in his honor. Before many years it was converted into bullets for use against His Majesty's redcoats. In so far as the preservation of the empire was concerned, it would have been far better if these evidences of colonial loyalty had been cultivated by the future avoidance of measures which gave the Americans an opening for defending what they considered to be their constitutional rights. On the other hand, if the colonies were loyal only when they had their way, how long would it be until still further concessions would be necessary? After all, they were a part of the empire; they enjoyed advantages secured by British lives and treasure; and consequently, as most Englishmen believed, they should bear a reasonable share of the burdens of empire. Obviously there were two sides to the question.

*Townshend  
takes the  
helm*

Unfortunately for imperial relations, the need for revenue remained acute; unfortunately, also, George III continued his campaign for personal control, thus interfering with the possibility of a statesmanlike handling of colonial affairs. Finally, the strange illness of Pitt, who formed a ministry in 1766—including the wise and sympathetic Earl of Shelburne who was to formulate a colonial policy—gave the chancellor of the exchequer, Charles Townshend, a chance to introduce a new revenue policy. The bright idea of "Champagne Charley" upset the colonial applecart once more. He proposed a scheme for the twofold purpose of winning the support of the opposition in Parliament and of settling the colonial question. The first objective would be consummated by reducing English land taxes; the second by raising an equivalent revenue in the colonies, and by making the royal officers independent of the colonial assemblies. Further-

more, he would discipline the colonies by making an example of New York.

Parliament responded with four measures (the Townshend Acts), June 15–July 2, 1767. The first suspended the New York assembly until it should comply with the billeting act of 1765. General Gage, commander-in-chief in America, had decided to station his reserves in New York instead of leaving them scattered throughout the West. Confronted with the unexpected heavy financial burden thus entailed, New York refused to make the necessary additional appropriations. The assumption of authority on the part of Parliament in thus suspending a colonial legislature caused serious alarm. If used for one purpose, to what limits might it not be exercised! Actually, the following year, the assemblies of both Massachusetts and Virginia were dissolved for opposition to the Townshend Acts.

*New York  
assembly  
suspended*

Other Townshend measures provided for additional revenue and for its more effective collection. The colonists had differentiated between internal and external taxes. Townshend called the distinction "perfect nonsense," but adroitly took them at their word. Anyway, after backing down on the Stamp Tax, Parliament was in the mood for asserting its authority. Accordingly, import duties were imposed on glass, red and white lead, painters' colors, paper, and tea. All could be legally imported only from England. A Board of Customs Commissioners was set up at Boston for the control of all American customs; new vice-admiralty courts were established in Boston, Philadelphia, and Charleston; and writs of assistance were given specific legal authority. Most threatening of all, the revenue was to be used for paying governors, judges, and other royal officers, thus making them independent of the colonial assemblies.

*Other  
Townshend  
Acts*

Thoughtful men throughout the colonies were thoroughly alarmed. In the growth of colonial self-government, no weapon at the command of the assemblies had been so effective as the control of the purse. Victories over the governor had been won most commonly by withholding his salary and that of other royal officials. With these officers beyond their control, the very foundations of political liberty seemed in jeopardy. The constitutional argument against the new taxes was best expressed by a country

*Colonial  
opposition.  
Dickinson*



gentleman, John Dickinson, in his *Letters from a Farmer in Pennsylvania*. Even though a duty was external in nature, he reasoned, it was legal only if the duty was incidental to the primary purpose of regulating trade. The Townshend duties were clearly designed to raise revenue, therefore they were a tax upon the colonists without their consent, and hence were unconstitutional. Such nice distinctions were soon dropped, for manifestly the main objection of most colonists was not to any given type of tax, but rather to taxes of *any* sort which Parliament might attempt to impose upon the colonies.

Non-  
importation.  
Samuel  
Adams

Except in Boston, the Townshend Acts produced less violence than the Stamp Act. Merchants who conducted their commerce within the law did not object to those provisions which were designed to suppress the smuggling activities of their rivals. The latter were bitter against the Acts, however, and again resorted to nonimportation agreements, roused laborers to make attacks on merchants with pro-British sympathies, and in some cases openly evaded the duties. The import trade of Boston fell to half its normal volume, while that of New York and Philadelphia suffered still more. Colonial manufacturing was stimulated, encouraging some leaders like Franklin and Washington to think that the colonies might lose their dependence upon British merchants. Under the leadership of Samuel Adams the Massachusetts assembly took up the cause of the merchants. It sent to all the colonies a "Circular Letter" proposing united protests against the Townshend Acts, and was promptly dissolved for its pains. For receiving the Circular Letter the Virginia assembly met the same fate. Whereupon the Burgesses met privately (1769) and under the leadership of Washington, Jefferson, Patrick Henry, and some others adopted a nonimportation agreement. It is significant that the leading plantation colony, which was directly affected but little by the Townshend duties, should take such a step.

In the commercial colonies many reluctant merchants were persuaded to conform to the program of nonimportation by such devices as blacklisting and various other forms of intimidation, including tarring and feathering. Boston early became the center of excitement. There the Board of Customs Commissioners had its headquarters and directed an active campaign against smuggling.

In 1768 a man of war was stationed in the harbor. Shortly afterwards the sloop *Liberty*, belonging to the popular merchant John Hancock, was seized for nonpayment of duties. Whereupon the Commissioners were handled so roughly that they took refuge with their families in Castle William down the harbor. They then called for troops, and in September two regiments of regulars were brought from Halifax and quartered in Boston in spite of strong protests from citizens of the town.

The presence of redcoats encamped on the Common, and the noise of fife and drum which broke the Sabbath calm, were constant reminders that in the eyes of royal officials Boston's citizens would be law-abiding only under compulsion. An accumulation of grievances increased the tension and made life unpleasant for townsmen and soldiers alike. But for a year and a half an open rupture was avoided. Then on the evening of March 5, 1770, a gang of boys and young men amused themselves by hurling vile epithets and snowballs at a sentry before the State House. Captain Preston with a small squad came to the rescue, and in the resulting affray some shots were fired into the mob, killing three and wounding eight, two of whom subsequently died.

*The "Boston Massacre"*

Immediately Boston was in an uproar. To prevent more serious trouble Governor Hutchinson ordered all the troops to Castle William, and Captain Preston and his squad were arrested and indicted for murder. Seven months later the soldiers were tried in Boston before a local jury, and were defended by two radical young lawyers of the town, Josiah Quincy and John Adams. In spite of the unfavorable setting, Preston and six soldiers were acquitted; two others were found guilty of manslaughter and were let off with branding in the hand. The court had no choice but to place the responsibility on the mob and its leader, the mulatto Crispus Attucks, who was one of those killed.

Such was the street brawl which Samuel Adams and other radicals propagandized as the "Boston Massacre" for the purpose of fomenting and keeping alive hatred of Britain.

On the same day that the Boston Massacre occurred, Lord North, the new Prime Minister, asked Parliament to repeal the Townshend duties except the three-penny tax on tea. The heavy cost of collection, together with the mounting colonial ill will, were

*Repeal of the Townshend duties*

factors not lightly to be dismissed; moreover British merchants were demanding the removal of the duties in order to escape the effect of the colonial boycott. Still more influential was the belief of Lord North and other members of Parliament that duties should not be levied on British manufactures. So in April (1770) the duties were abolished, except that on tea which was retained by way of asserting Britain's right to tax the colonies. "The properest time to exert our right of taxation," said North, "is when the right is refused." With the repeal of the Townshend duties the non-importation movement in America collapsed; for no matter what the legal powers of Parliament may have been, the colonists were much less concerned about declarations of right than about the taxes themselves. They remembered that the repeal of the Stamp Act was accompanied by the Declaratory Act, yet in the course of four years Parliament had retreated the second time. Which would give way when Parliament should challenge the colonies anew? In the light of subsequent events it would seem that Englishmen far less brilliant than a Pitt or an Edmund Burke might have made an accurate guess. Meanwhile, for upwards of four years, relative calm prevailed in imperial relationships.

## Chapter Ten

### THE EVE OF REVOLUTION

WITH the repeal of the Townshend duties (1770) and the resulting collapse of nonimportation agreements, the colonists settled back to the enjoyment of growing prosperity for a relatively peaceful three years. After all, making money was more fascinating than contesting with England abstract constitutional questions involving representation and taxation. Some British taxes, including that on tea, remained, it is true, but they were not burdensome. The rising income from customs duties, together with the reduction of smuggling to a minimum, reflected both the efficiency of the customs service and a general acquiescence in an arrangement that hurt nobody except law evaders. *A period of calm*

Everywhere the conservatives or moderates prevailed. They were well content to "let sleeping dogs lie"—the dogs in this instance being the "lower" classes in America rather than British ministers with their new ideas about Parliamentary rights and colonial obligations. Since 1765 the upper classes had discovered that by encouraging violence against the Stamp and Townshend Acts they had furthered among the unprivileged a spirit of radicalism hard to keep within bounds. The talk about no taxation without representation had proved to be a double-barreled argument which the unenfranchised and underrepresented could use against the privileged class as effectively as the latter could use it against Parliament. In other words, the problem of rule over the colonies was complicated by the question of who should rule within the colonies. *Question of home rule*

In all the colonies the franchise was limited in varying degrees by property qualifications, and in Rhode Island, New York, Maryland, and Virginia by religious tests as well. The result was to leave political control safely in the hands of the relatively small *Class division*

upper class which was composed of officials, merchants, the landed gentry, and professional men. That this should be true was natural enough, for political power was still considered an attribute of social privilege; and class distinctions had obtained from early days of English colonization. In some colonies, especially New York and South Carolina, a relatively small aristocracy completely dominated social and political life, while in several others, notably poor North Carolina, real democracy was in the making. But everywhere class distinctions were so pronounced as to invite a popular revolt against the *status quo* if conditions were sufficiently favorable.

As previously mentioned, such an opportunity was offered by colonial opposition to the Stamp Act and other measures. To staid lovers of peace and order—and the good things of life—there was something ominously menacing in the raiding of cellars and the looting of property by the “lower sort of people,” some of whom no longer showed the old and “proper” deference and respect for their “superiors.” So moderates were glad enough, for domestic reasons, to have the wrangle with England terminated. Temporarily the class upheaval was postponed.

*Sectional  
cleavage*

The class character of the social division within the colonies was augmented by a sectional cleavage which had become general before 1750. It was most pronounced in Pennsylvania, Maryland, Virginia, and the Carolinas. The oldest and most favored section in all the colonies was that of the coast, dominated by merchants in the North and planters in the South. The interior of New England, upstate New York, central and western Pennsylvania, and everything west of the southern “fall line” (where the rivers leave the Piedmont and enter the broad Tidewater extending from Maryland to Georgia) constituted the “Old West,” as historians call it. It was here that yeomen English farmers, sturdy Germans, and sturdier Scotch-Irish fought Indians, conquered the frontier, nursed their grievances, and laid the foundations for wider democracy. If representative government based on a general democratic foundation is America’s greatest gift to the world, we owe a peculiar debt of gratitude to the Old West.

Settlers of this section had various grievances against the East. They complained of inadequate defense from the Indians, whose

rights, incidentally, they respected little more than if the red men had been wild animals. Because the West was always a debtor section, frontier farmers demanded paper money and stay laws (extension of time for meeting debt obligations), thus incurring the disfavor of eastern planters and merchants who were their creditors. Unfairly underrepresented in the colonial assembly, western counties could not secure the roads which they were too poor to construct for themselves, nor were they able to rectify abuses in the administration of justice, or in the imposition and collection of taxes.<sup>1</sup> Church problems intensified this sectional feeling. Westerners were vociferously religious, especially after the Great Awakening of 1740, and as members of dissenting churches, such as the Presbyterian and Baptist, they strongly resented the taxes collected in most of the colonies for a church to which they did not belong.

*The "Old West"*

Bitter sectional hatred was reflected in different colonies at different times by frontier violence. Bacon's Rebellion (1676) is the first outstanding example. In 1763, when Pontiac's uprising once more brought the horrors of Indian fighting to the long-suffering West, the exposed Scotch-Irish in Pennsylvania finally became so exasperated with the refusal of the Quaker-controlled assembly to make any provision for their defense that they took violent measures. Fifty-seven of them, the "Paxton Boys," attacked and slaughtered twenty peaceable Christian Indians near Lancaster. The mordant condemnation of Benjamin Franklin and others lashed the Westerners into a spirit of rebellion. Early the next year they marched 600 strong on Philadelphia for the purpose of capturing the town and turning out the authorities. But they soon experienced a change of heart, for the inviting prospect of shooting Scotch-Irish Presbyterians without hanging for it im-

*The "Paxton Boys"*

<sup>1</sup> In Pennsylvania the counties of Philadelphia, Chester, and Bucks, along the Delaware, together had twenty-four representatives, while the five western counties, with a larger population, had only ten.

In Virginia each county was given two representatives, but the western counties were made very large so that their number did not equal those of the east although their population by 1775 was greater. It will be remembered that Kentucky County constituted the entire present state of that name.

In North Carolina the old counties had five representatives, the new ones only two. In South Carolina the difference was eight and six for the coastal counties, to two and one for the interior.

pelled so many Quakers to take up arms that the "Boys" made camp a few miles from town until the intercession of a commission headed by Franklin induced them to disperse. Only one of the demands of these "dangerous" frontiersmen was granted—a bounty for Indian scalps. So ended the affair; but the bitter cleavage remained. In this continuous turmoil after 1763 certain men of influence, including Franklin, saw the possibility of combining the grievances of these underrepresented Pennsylvanians with those of the unenfranchised laborers of Philadelphia. From the standpoint of future control of the Pennsylvania government, therefore, it was a sorry day for the comfortable merchants and the complacent Quaker aristocracy of Philadelphia when they countenanced the slogan of no taxation without representation.

*The  
"Regulators'  
War"*

The most violent clash between East and West—one that assumed the proportions of a little civil war—occurred in North Carolina, and is known as the Regulators' War. In the Piedmont counties west of Raleigh, poor farmers in the 1760's waged a losing fight against depression, great landholders who had engrossed the best lands, unfair taxes, corrupt sheriffs and judges, dishonest debt collectors, and an assembly controlled by the eastern planters. Finally, in 1768, after years of smoldering discontent and futile efforts at frontier justice, they organized the Regulators' Association for the purpose of "regulating" public grievances. The next year they managed to gain control of the colonial assembly only to see it dissolved by Governor Tryon.<sup>1</sup> The Regulators then supplemented petitions with the more extreme weapon of mob violence. In one affair over a hundred of them broke up a superior court, and an important official saved himself "from immediate dissolution" only by jumping through a door. Whereupon Governor Tryon marched into the disaffected counties with over 1100 well-armed militia. On May 16, 1771, near the Alamance River, some 2000 Regulators, half of them without arms, were routed after two hours of fighting. Seven of their leaders were hanged, one merely because he would not take the oath of allegiance.

Thus poor frontiersmen failed in their attempt to secure justice,

<sup>1</sup> A majority sympathized with the Regulators, if not actually Regulators themselves.

as they saw it. But the day was not far distant when the common man would successfully contest the question of home rule in the colonies as well as the issue of English rule over them. Interestingly, the hatred of the Regulators for their eastern oppressors was so intense that when the latter fought the British in the Revolution, most Regulators remained Loyalists in order to be on the opposite side.<sup>1</sup>

In other colonies frontier grievances were quiescent. A great majority of the people in both town and country desired neither civil strife nor a revolt against England. However, tempers were such, after a decade of recurring controversies, that the introduction of a new element might well precipitate a clash. It came with a renewal of the quarrel over taxation in 1773, followed by successive steps which led to open rebellion in 1775.

During the peaceful interlude after 1770, when conservatives everywhere enjoyed the restoration of good feeling toward the mother country, a few radicals, such as Patrick Henry, Christopher Gadsden of South Carolina, and Samuel Adams, actively bestirred themselves to rouse and keep alive hatred of the British.<sup>2</sup> It was in this sort of work that Adams proved himself, of all Americans, the master propagandist and organizer of discontent. Adams was of good family. His father was a prosperous brewer and merchant, and a pillar of the church. At Harvard College the social rank of

*Nursing  
discontent.  
Samuel  
Adams*

<sup>1</sup> New Jersey had her land riots, and New York her "Great Rebellion of 1766." Even before 1720, the Palatine immigrants were having trouble with New York landlords. By the middle of the century additional troubles arose over the Massachusetts-New York boundary. Massachusetts speculators purchased unextinguished Indian titles to portions of New York estates, then offered more favorable terms to the renters. The result was a species of border warfare. Later, having reasserted their claims, the Indians granted new leases to the tenants. When the landlords tried to oust the tenants, "levelers" attacked officials, courts, and jails. Only by the use of royal troops was the "rebellion" put down and order restored. Like the "regulators," many New York tenants were Loyalists during the Revolution, in the latter case because the tenants believed the crown was their protection from greedy landlords.

<sup>2</sup> An occasional incident provided fuel for inflaming public opinion, the most important being the *Gaspee* affair. The *Gaspee* was a vessel in the royal navy used for breaking up the notorious smuggling of Rhode Island. Its commander, Lieutenant Dudingston, was so energetic as to win the commendation of his superiors and the lively hatred of Rhode Islanders. On the night of June 9, 1772, after the vessel had run aground near Providence, armed citizens boarded it, wounded the commander, set the crew ashore, and burned the hated craft to the water's edge. Although the guilty men were well known to Providence, the best efforts of British officials resulted in the punishment of nobody.



young Adams was fifth in a class of twenty-two. He was marked for the ministry, but the bent of his mind was toward other pursuits. Experience proved that it was not business, for he quickly ran through the property he inherited. But he displayed a singular capacity for managing the affairs of others, and he possessed, besides, commendable skill as a politician, thinker, writer, and organizer.

*Committees  
of cor-  
respondence*

Largely through Adams' influence Boston (1772) appointed a local committee of correspondence, and rapidly thereafter the movement spread through the towns of New England. The following spring Patrick Henry, Jefferson, and others in the Virginia House of Burgesses motivated the appointment of a legislative committee of intercolonial correspondence. Soon the colonies were united by a network of such agencies, organized to keep them in touch with one another. In an age that knew no faster communication than horse and rider these committees proved surprisingly effective. Through them the scope of Adams' influence was enlarged. He reminded the colonists of grievances about which they were not conscious, and told them they were slaves until they began to believe it. In such a setting Parliament blundered again, producing the Tea Act of 1773.

*The Tea Act*

By 1773 the ancient East India Company, with a colossal debt and seventeen million pounds of unsold tea in its English warehouses, was facing bankruptcy. One reason for its financial straits was the colonial boycott on English tea following the three-penny tax imposed in 1767. After 1770 only about one-tenth of the tea consumed in the colonies was British—the remainder was foreign, illegally imported, duty free. By the new Tea Act (effective May 10) the company might sell direct to the colonists through its own agents in the principal cities, thus eliminating English merchants and American importers—two sets of middlemen. The only tax the colonists would have to pay was the old one of three pence; moreover they would not only be enabled to buy tea at lower cost than formerly (because the company received a rebate of all duties paid in England on reshipment to America, and hence could lower the price) but at half the price paid by the purchasers of tea in England.

The average American did not object to cheaper tea, but the

measure drove colonial merchants, smugglers and "fair traders" alike, into the arms of the radicals; for both stood to lose their trade in tea. Still more threatening was the principle of monopoly. If one British company should enjoy such an advantage, might it not be extended to other firms and commodities until the commerce of colonial merchants would be destroyed! Perhaps the danger was more apparent than real, but the colonists did not wait to find out.

*Colonial  
reaction*

Agents for the principal ports were duly appointed by the company, and tea ships were dispatched to America. Their reception was distinctly cold. At Charleston, because the consignees resigned and no one appeared to pay the duty, the tea was stored in government warehouses. During the Revolution it was sold to further the Patriot cause. At Philadelphia and New York popular demonstrations forced the ships to return with their tea to England. Boston, under the leadership of Samuel Adams, "threw a party"—the most famous in American history. There the agents, two of whom were sons of the governor, would not resign, the governor would not permit the three ships to leave port, and the populace was determined that the tea should not be landed. The stalemate was broken on the night of December 16, 1773, when a band of "Indians" made their way from a meeting at the Old South Church to the wharf, and before a large and admiring audience dumped the innocent cause of the trouble to the fishes.<sup>1</sup> It was rather expensive entertainment.

*The Boston  
Tea Party*

The "Tea Party" was an act of violence which Parliament could not overlook—a direct challenge to British authority which the ministry must accept, or else throw up the sponge. Many moderates in the colonies condemned the lawless action at Boston, and English friends of America, including Pitt, considered it an outrage. The course of the British cabinet was clear; an example must be made of Massachusetts. Parliament responded in 1774 with four Coercive Acts, known in America as the "Intolerable Acts." The first (Boston Port Act) closed the port of Boston to all shipping until the tea, valued at £15,000, should be paid for. Conservative

*The Coercive  
Acts*

<sup>1</sup> The following year the *Peggy Stewart*, with about a ton of tea, was burned by its owner at the command of a mob at Annapolis. Here there was no secrecy or disguise, like that of Boston. Some years ago, when dredging for the enlargement of the Naval Academy, charred remains of the ship were found.

merchants wished to comply, but the radicals would not countenance such action; having produced a crisis, they were determined to make the most of it. The Massachusetts Government Act radically lessened the power of the people in their government.



*The able Doctor, or America Swallowing the Bitter Draught.*

ORIGINAL ENGRAVING ATTRIBUTED TO PAUL REVERE. FROM A PRINT WHICH FIRST APPEARED IN THE HIBERNIAN MAGAZINE, DUBLIN, AND THE POLITICAL REGISTER OF LONDON

*Courtesy of The New-York Historical Society, New York City*  
*America is the unfortunate lady upon whom Lord North, armed with the Boston Port Bill, forces tea. Holding America is British justice in the person of Lord Mansfield; Boston's petition is cast aside, and military law stands guard. France and Spain joyfully watch developments, while Britannia deplors the action.*

An Administration of Justice Act provided for the transfer of royal officials charged with capital offenses to another colony or to England if, in the opinion of the governor, justice might not be secured in the local courts. A Quartering Act authorized the seizure of unoccupied buildings (with compensation) for soldiers where barracks were inadequate. This provision would make possible the actual quartering of troops within Boston. There was an ominous note in the appointment, shortly afterwards, of the com-

mander of American troops, General Gage, to the governorship of the colony.

Another law of the same year, commonly considered one of the "Intolerable Acts," was the Quebec Act. Actually it had no connection with the situation in Massachusetts and was not intended to be punitive in any sense. On the contrary, its purpose was to improve Canadian administration and pacify the French Canadians by allowing freedom of worship to Catholics (promised in 1763) and by restoring the French civil law (trial without jury in civil cases) to which they had been accustomed. Because the French colonists knew nothing about representation, the act further provided for a government without it. Did this mean that such fundamental rights as jury trial and representative government in all the colonies were in jeopardy? Of greater immediate concern was still another provision of the act which extended the boundaries of the province to include everything north of the Ohio and west to the Mississippi, thus blasting the hopes of land speculators and cutting off the western claims of four colonies.

*The Quebec Act*

Taken all together, the danger to colonial rights and liberties in the "Intolerable Acts" was glaringly apparent. Manifestly coercion was Britain's only solution for the imperial problem which the ministers of George III had bungled for a decade. What would be the future of self-government when a colonial charter might be changed at will by Parliament; when town meetings were at the mercy of a soldier-governor; and when royal officials were no longer answerable as other people to juries of the community? How much assurance of freedom from military coercion when one of the largest of colonial towns faced the destruction of its commerce through military power?

*Colonial fears*

The Coercive Acts forced many moderates to take sides either as radicals or conservatives. A testing time had come. The committees of correspondence had done their work effectively in rousing a spirit of opposition to British measures. Sympathy for Massachusetts spread quickly throughout the colonies, and soon supplies for the poor of Boston were being sent from places as distant as Charleston. What had happened in one place might happen in another. Clearly the choice was between servile sub-

mission and active resistance. There were many in all colonies who had never meekly submitted to anything, and in this crisis had no disposition to begin. Everywhere there was talk about a congress of all the colonies to consider a common course of action.

*The First  
Continental  
Congress*

About the middle of May 1774, General Gage with four regiments took control of Boston. On May 24 the Virginia House of Burgesses adopted a resolution, proposed by Jefferson and Patrick Henry, setting aside Wednesday, June 1, the day on which the Boston Port Bill became effective, as a day of fasting and prayer. For this reflection upon King and Parliament Governor Dunmore dissolved the house; whereupon the rebellious burgesses met in the historic Apollo Room of Raleigh Tavern and there on May 27 adopted a resolution calling for a congress of all the colonies. The response was lively. Every colony except Georgia chose delegates, and on September 5, 1774, at Carpenters' Hall, Philadelphia, the First Continental Congress convened.<sup>1</sup> The learned and just Peyton Randolph, the most respected of Virginia's outstanding leaders, was chosen president; proceedings were secret, and voting was by colonies.

*Radicals and  
conservatives*

The fifty-five delegates were rather evenly divided between radicals and conservatives or moderates. Actually the radicals had a slight edge, and dominated the congress. This does not mean that American leadership was divided in the same ratio, for extreme conservatives would have nothing to do with this irregular movement which was directed by radicals in all the colonies. Prominent moderates of varying degree were Peyton Randolph, George Washington, Richard Bland, and Edmund Pendleton of Virginia, John Dickinson of Pennsylvania, and Henry Middleton and John Rutledge of South Carolina. John Jay and James Duane of New York, and Joseph Galloway of Pennsylvania, were pronounced conservatives. Outstanding radicals were Samuel and John Adams of Massachusetts, Patrick Henry and Richard Henry Lee of Virginia, Thomas Mifflin of Pennsylvania, Stephen Hopkins of Rhode Island, and Christopher Gadsden of South Carolina.

<sup>1</sup> Georgia, with its many royal officers, its annual subsidy from Parliament, and its need of defense from the Indians, contained but few radicals with sympathy for the movement against the mother country. Delegates from the other colonies were chosen legally in some cases, in others by assemblies acting in defiance of the governor, and in still others by extralegal bodies.

The problems of the Congress were such as to tax the high level of its abilities. There was a united spirit of opposition to the Coercive Acts, but what measures should be taken against them? Extreme steps would have the twofold effect of antagonizing the conservatives and encouraging the "dangerous" democratic movement of recent years. Moreover, if an outward appearance of unanimity were not maintained the colonists would have little confidence in the Congress, nor would Britain be bluffed into concessions. The Adamses, intent on bold action, played a sly game behind the lines until they were sure of adequate support; then the radicals caught the conservatives off guard and forced the adoption of the "Suffolk Resolves." These resolutions, drawn by a convention of Boston and other radicals in Suffolk County, Massachusetts, declared that no obedience was due to the Coercive Acts and recommended resistance by the people. With this initial victory the radicals were in the saddle, but they rode perilously near to a fall when the conservatives tried to adopt a plan of union proposed by Joseph Galloway.

*Problems*

By the provisions of the Galloway Plan each colony would retain its control over local matters, but for all American imperial and intercolonial affairs, such as commerce and defense, there should be a President General appointed by the crown and a Grand Council chosen by the colonies. Thus far the provisions were essentially like those of the Albany Plan of Union of 1754. But an additional feature made the Galloway Plan distinctive: the Grand Council was to be virtually a branch of Parliament, and its approval would be necessary before any laws would be binding upon the colonies. The plan lost by the narrow margin of one vote. The radicals then expunged from the records all reference to it lest the public know how narrowly they had missed defeat. There must be at least an appearance of unity. If the Congress had not previously committed itself to a radical program by the adoption of the Suffolk Resolves it is altogether probable that the Galloway plan would have carried. Responsibility for the next play would then have been squarely up to the British Ministry.

*The  
Galloway  
Plan*

The next important step in the Congress was the adoption (October 14) of a Declaration of Rights and Grievances, an able presentation of colonial political theory that won the admiration

*Declaration  
of Rights and  
Grievances*

of the Earl of Chatham (William Pitt). As a concession to the moderates a petition was addressed to the King, affirming the loyalty of the delegates and praying for a redress of grievances. Colonial rights "to life, liberty, and property," ran the Declaration of Rights, were founded upon the laws of nature, the British Constitution, and colonial charters. Parliament, in which the colonies were not represented, therefore had no right to tax them or legislate for them in any way whatever. However, in the interest of the empire as a whole, the colonies would voluntarily accept regulation of commerce if no taxation was involved.

*The theory  
of federalism*

Whether the American constitutional argument was sound need not be discussed here. No matter what forces help shape opinions, men in every age act in accordance with their convictions. A growing number of radicals believed in the "natural rights of man," and in a fixed constitution which was binding even upon Parliament. Reasoning thus, they concluded that the colonists owed allegiance only to the King; and, inasmuch as the King's powers had been limited by the Glorious Revolution (1688), it would follow that the colonies were actually independent states on a par with other parts of the British empire. This theory of federalism (colonial legislatures coequal with Parliament—all recognizing the same sovereign) was forecast, at least, by Franklin in his Albany Plan of Union. In the exciting days of 1774-1775, four others—John Adams, James Wilson of Philadelphia, and Jefferson and George Wythe of Virginia—independently concluded that it was sound doctrine. Long after the thirteen colonies were lost, Great Britain applied the principle to Canada and the other "dominions beyond the seas," thereby retaining their loyalty. Would the United States today be a member of the Commonwealth of Nations if the British had solved the problem of colonial administration before 1775?

*The  
Continental  
Association*

The most important work of the Congress was the unanimous adoption (October 20) of the Continental Association, pledging the members and their constituents, until redress should be made by the British government, not to import any goods from England after December 1, 1774, nor export to England after September 10, 1775. Furthermore, all kinds of gambling, horse racing, cock-fighting, and extravagance were banned. It was clever strategy

thus to link opposition to Britain with a moral crusade. Having taken this momentous step, the Congress adjourned, agreeing to meet the next May if grievances were not redressed in the meantime.

In practice the Association functioned with great effectiveness in all the colonies except Georgia. Radicals in towns and counties organized and appointed committees of official "snoopers" to check on the activities of everybody. Goods possessed in violation of the Association were seized and burned, and anyone who actively protested against such high-handed action was in danger of tarring and feathering. The boycott against England was so effective that the imports of New York in 1775 were only £1228 as compared with £438,000 the previous year. Home industries flourished.

Thus the colonists came to feel the power of extralegal machinery—machinery created by a Congress which had been called to protest against the Coercive Acts—in the hands of radicals. Many law-abiding citizens preferred the authority of King and Parliament. The staunch Loyalist, Samuel Seabury, voiced the opinion of many when he expressed a preference for enslavement by a King rather than by "upstart, lawless committeemen." And to be devoured "by the jaws of a lion" he thought less horrible than being "gnawed to death by rats and vermin." Soon self-respecting moderates became scarce. Henceforth for several years most Americans were either Patriots or Loyalists, Whigs or Tories. In a civil war neutrals are seldom popular.

Meanwhile warlike preparations were afoot in many places. Military companies were being formed and arms purchased. Massachusetts was especially active, openly defying both Parliament and General Gage. Gage suggested that the colonies be turned adrift "to anarchy and repentance," but George III thought blows preferable, although he considered himself a reasonable man. In February 1775 Lord North pushed through Parliament a Resolution on Conciliation which represented the utmost concession the King would make. Under its terms any colony that would provide for its own civil government and defense was offered freedom from all Parliamentary taxes whatever, except for the regulation of commerce. The gesture was too late. The

*Lord North  
waves the  
olive branch*



issue in America had advanced far beyond a question of taxation; moreover this "insidious" offer, designed to promote dissension among the colonies, as Americans believed, crossed the Atlantic after the Battle of Lexington was fought. In the eyes of Patriots the sword appeared more attractive than the olive branch.

*Lexington  
and Concord*

The amiable General Gage did not want hostilities, but he could not overlook colonial war preparations indefinitely. Secretly therefore he prepared to seize the military stores the radicals had collected at Concord, and at the same time carry out his instructions to arrest Samuel Adams and John Hancock.<sup>1</sup> On the night of April 18 he sent out from Boston some 700 regulars to perform the task. The Committee of Safety was not caught napping. Lights flashed from the tower of the Old North Church; William Dawes and Paul Revere rode away in the darkness; bells and signal guns announced the approaching redcoats. In the light of early dawn a thin line of armed "minute men" drawn across Lexington green blocked the way. A shot was fired, then a volley from the regulars. Eight Patriots lay dead, and the redcoats pressed on toward Concord. Having partially fulfilled their mission at that place (most of the supplies were removed before they arrived) the British turned homeward. They should have started earlier, because villagers and grim farmers with their trusty muskets lined the road where stone fences and trees gave protection, and poured lead into the straggling ranks, occasionally hitting their mark.

And so the redcoats on that historic day left a trail of crimson all the way back to Boston. The next day that town was besieged, and the tocsin of war was rousing colonists as fast as swift horses could bear the news. It reached New York on April 23. The following day came also the first knowledge that Parliament had adopted Lord North's Resolution on Conciliation. But New York was no place for a dove of peace, for the mob seized the muskets in the arsenal and ruled the town for a week. In five days' time Philadelphia received the news of Lexington, and a day later it reached Virginia. Not until May 10 did Savannah hear the

<sup>1</sup> Hancock was president of the Provincial Congress, as the illegal meeting of the old Massachusetts assembly was called after it was dissolved by the governor in September 1774.



LEXINGTON GREEN, LEXINGTON, MASS.

*Photo by Brown Brothers*

tidings. Everywhere the radicals redoubled military preparations and adopted patriotic resolutions.<sup>1</sup>

*War spirit in Virginia* In Virginia, according to one commentator, "everybody seemed to be on fire, either with rum or patriotism or both." Patriot ears were still ringing with the stirring and memorable periods of Patrick Henry's speech in old St. John's in Richmond (March 23, 1775) where the second Virginia Convention (extralegal meeting of the Assembly) had gathered.

If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained—we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of Hosts is all that is left us! . . . There is no retreat but in submission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable—and let it come! I repeat it, sir, let it come.

It is in vain, sir, to extenuate the matter. Gentlemen may cry, Peace, Peace,—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

Henry wanted to fight. He soon had his opportunity, or so it appeared. At almost the same moment that General Gage was trying to seize military supplies at Concord, Governor Dunmore secretly carted away from the Williamsburg magazine most of Virginia's lean store of powder. Henry, with an ever-growing militia, marched toward the capital for an accounting with the governor. But that dignitary saved himself by agreeing to pay for the powder; then, when the militia had dispersed, proclaimed Henry an outlaw. But it was the governor who ran for cover.

<sup>1</sup>In Mecklenburg County, North Carolina, on May 31, 1775, Scotch-Irish frontiersmen adopted some resolves renouncing all civil and military authority under the crown. Anyone refusing to obey the resolves was deemed to be an enemy of his country. The tradition that a declaration of independence was adopted in this county on May 20, 1775, is not substantiated by reliable evidence.

Deserting his sumptuous "palace," he fled to a warship at Yorktown.

On May 10, 1775, with the stirring report of Lexington and Concord on every tongue, the Second Continental Congress convened in Philadelphia. At dawn on that same day Ethan Allen and his Green Mountain Boys, accompanied by Benedict Arnold, captured Fort Ticonderoga with its precious store of powder and cannons.<sup>1</sup> War not only had begun but in all probability would continue. It was the difficult task of this Congress—a revolutionary body chosen in violation of the King's order to the governors and holding no mandate to constitute itself into a government or direct hostilities—to conduct the war as best it might, while it held forth the olive branch of reconciliation in the waning hope that Britain would come to its terms.

*The Second  
Continental  
Congress*

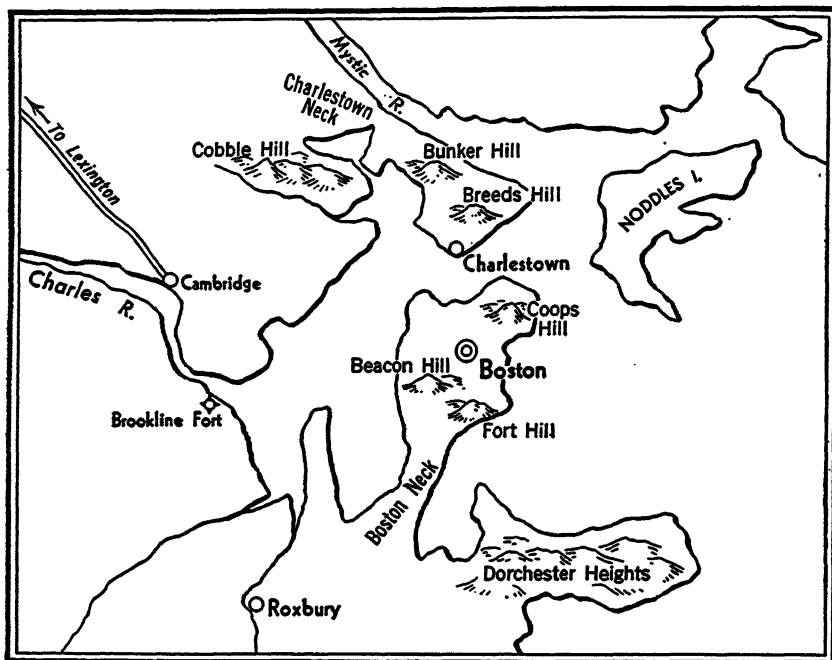
In the membership of the second Congress several prominent conservatives from the first Congress were missing, but, as the names appended to the Declaration of Independence eloquently attest, it was a distinguished group. Peyton Randolph was again chosen president, only to be succeeded shortly by John Hancock, the wealthiest New Englander on the Patriot side. Hancock was endowed with only mediocre talents, but his wealth gave the lie to the loyalist sneer that the revolutionists were an obscure and bankrupt lot. The moderates under the lead of John Dickinson strove for conciliation, while the "brace of Adamses" were the most active in advocating war measures. Important steps were carried by bare majorities.

In the middle of June, while the debate as to the wisest course of action continued, Congress took over the Boston army and chose Washington as Commander-in-Chief—to the lasting chagrin

*Washington  
in command*

<sup>1</sup> Crown Point was taken by Allen on the following day, and Fort St. John not long afterwards. In addition to other war supplies, over 300 cannons were secured by these operations. Years after the event Allen said he called upon the commander of Ticonderoga to surrender "in the name of the Great Jehovah and the Continental Congress." Certainly he had no commission from Congress. Actually his command was less eloquent, and quite in character. Frederick Jackson Turner once told the writer that what Allen really said had come down in his family from an ancestor who accompanied Allen. It was simple and pointed: "Come out of there, you damned old rat!" This is milder than some other versions that are at least equally authentic. Allen was courageous, profane, and powerful. As prisoner in England he quickly acquired a reputation for toughness. For example, he was understood to work up a breakfast appetite by chewing nails.

of Hancock who coveted the honor. The choice was John Adams' idea. A wealthy Virginia aristocrat as leader of the rebellion would not only help to bind the South to the fortunes of New England, but would also discount British opinions concerning the



BOSTON AND VICINITY

"colonial rabble." Washington took command of the "Continental Army" in Cambridge on July 3. Excitement over the Battle of Bunker Hill was still running high.

Since April 1775 reinforcements under Sir Henry Clinton, Sir William Howe, and John Burgoyne had brought General Gage's army in Boston to nine or ten thousand well-equipped men. In order to drive the British from town, 1200 militiamen under Colonel William Prescott were sent on the night of June 16 to seize Bunker Hill, from which Boston could be raked with cannon fire. Instead, they went beyond to Breed's Hill, a position which the redcoats could have flanked easily. But the British were too contemptuous of the "undisciplined rabble," as Burgoyne con-

sidered them, to stoop to such tactics. Instead they made a frontal attack, only to be mowed down at close range. Again they formed ranks, and again they were cut to pieces. Yet again the brave Britons advanced. This time the Americans fled—their powder had run out. It was a technical victory for the British—at great cost—but a moral victory for the Americans who knew how to fight and run away. His Majesty's generals were to suffer many a headache during the next half-dozen years because of Continentals who, though defeated, would never remain beaten.

The news of Bunker Hill gave encouragement to the radicals in Congress, but the moderates still clung to the forlorn hope of conciliation until the humble petition drawn by Dickinson (the Olive Branch petition) was rejected by the King.<sup>1</sup> The petition was mostly camouflage. Congress showed its true colors (July 6, 1775) in a spirited Declaration of the Causes and Necessity of Taking up Arms, written by Jefferson and Dickinson.

*Declaration  
of Causes*

We are reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers, or resistance by force.—The latter is our choice. . . .

Our cause is just. Our union is perfect. Our internal resources are great, and if necessary, foreign assistance is undoubtedly attainable. . . . The arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with one mind resolved to die free men rather than live slaves.

Almost exactly one year later independence was declared. Meanwhile the moderates shied from this step which, with increasing clearness, the logic of events dictated, and which radicals such as John Adams, Jefferson, Richard Henry Lee, and George Wythe advocated. But until the spring of 1776 a great portion of the people were not prepared for the fateful action. Most delegations in Congress bore original instructions directing them only to secure a redress of grievances and the restoration of peaceful relations. They were not to wage war of any sort, especially for independence. Long after actual warfare had begun, moderates

*Moving  
toward  
independ-  
ence*

<sup>1</sup> Congress adopted the petition July 5, 1775. The King's Proclamation of Rebellion was issued on August 23. Thereafter, when an attempt was made to present the petition, the King refused to see it.

still tried to persuade themselves that they were not fighting Britain, but only the hirelings of a mercenary ministry which might soon give way to a friendly one. Loyalists, in the nature of things, did what they could to prevent violent action.

*Campaign  
against  
Quebec*

With the passing months the anomalous situation became increasingly apparent. In August 1775 the King denounced the colonists as rebels, and in the following December Parliament prohibited all trade with the thirteen colonies. In October the British burned the defenseless town of Falmouth, Maine. The year ended with the failure of Richard Montgomery and Benedict Arnold before Quebec. With the hope that Canada might be persuaded to join the thirteen colonies and thus be kept from a potential enemy that might exploit its strategic importance as the French had done, Congress had authorized this military expedition on which so much seemed to depend. Montgomery went by way of Lake Champlain, taking Montreal on the way, while Arnold led his men through the well-nigh trackless Maine woods from the Kennebec, reaching the St. Lawrence after incredible suffering. On the last day of 1775, in a blinding snowstorm, the desperate assault on Quebec was repulsed. The gallant Montgomery was killed and Arnold wounded.

*Paine's  
"Common  
Sense"*

The new year opened with a growing feeling in America that the action of King and Parliament precluded a compromise settlement; moreover, the sacrifice of lives seemed to demand something more substantial than a mere redress of grievances. Finally, unless the colonies declared independence they could hardly hope for French assistance, and without it they had little prospect of success in the war. The great decision was only a question of time, but it was hastened by Thomas Paine's thin little pamphlet, entitled *Common Sense*, published in Philadelphia in January 1776. Paine had been a corset maker, schoolteacher, preacher, and grocer before coming to America in 1775—a background which evidently enabled him to express what the common man was thinking. The coarseness of his fiber was reflected in the scurrility of his pen and in a calloused disregard for either sentiment or tradition. His English was inelegant and his arguments were not profound—neither was the capacity of most of those who read them—but with telling strokes this zealot of liberty made in-

dependence appear as something cheerfully to be embraced. Government to him was a simple matter—the less the better. Monarchy was the worst form of all, and George III was a “royal brute.” Why, then, should the colonies, having grown of age, continue an attachment to Britain? Let them assert their independence and enjoy its blessings.

As the tide of independence set in more strongly, radicals and conservatives in the different colonies contested for the control of their delegations in Congress. Everywhere the radicals gained ground, but not without bitter struggles in some colonies, notably Pennsylvania. There the old government of the Quaker oligarchy was actually overthrown by the Scotch-Irish frontiersmen, supported by the city artisans. North Carolina (March 1776) was the first to instruct its delegates to declare independence. Others followed. Already Congress had appointed Silas Deane as “commercial” agent to France. On April 6 Congress, in defiance of Britain, opened colonial ports to the commerce of the world, and on May 10 urged those colonies which had not yet set up independent governments to do so. Thereafter a declaration of independence was only a matter of time.

In Congress, on June 7, 1776, Richard Henry Lee, spokesman for the Virginia delegation, submitted a resolution declaring that “these United Colonies are, and of right ought to be, free and independent States,” and that the connection with Great Britain was dissolved. Four days later a committee consisting of Jefferson, John Adams, Franklin, Roger Sherman, and Robert Livingston was appointed to draft a formal declaration. Jefferson settled down to the writing while Congress engaged in three weeks of intermittent and heated debate. On July 2 Congress formally adopted Lee’s motion of June 7, thus officially declaring independence to the world. Two days later, by the vote of all the states except New York, which fell into line on the ninth, Congress formally proclaimed its reasons for the action by adopting Jefferson’s Declaration.<sup>1</sup>

*Independence declared  
July 2, 1776*

<sup>1</sup> After completing his draft Jefferson submitted it to Adams and Franklin who made over twenty alterations, nearly all verbal. A few other changes were made in Congress (such, for example, as striking out the indictment against the King for fastening slavery upon the colonies), but the document is essentially as Jefferson drafted it. It was signed on July 4 only by Hancock, President of Congress.



*Content of  
Jefferson's  
Declaration*

The Declaration of Independence consists of (1) a preamble stating the purpose of the American people to become independent, (2) a philosophy of government justifying revolution under certain conditions, (3) a listing of oppressive measures on the part of the King to show that such intolerable conditions actually obtained, and (4) a conclusion proclaiming the independence of the United States of America.

In setting forth a philosophy of government justifying revolution, Jefferson summed up, in simple phrases of imperishable beauty, the old and at that time familiar theory of "natural rights":

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these, are Life, Liberty, and the pursuit of Happiness. That, to secure these rights, Governments are instituted among Men, deriving their just Powers from the consent of the governed. That, whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such Principles, and organizing its Powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

That Jefferson drew upon John Locke, and he in turn upon Richard Hooker, for the philosophy of "natural rights" is of slight moment; but it is highly significant that Americans, out of their experience, not only accepted the "self-evident" truths which Jefferson stated, but were willing to fight for them.

The Declaration clearly implied that the colonial governments had been coequal with Parliament, and, therefore, that Parliament had no authority whatever over them (the conclusion, previously mentioned, which had been reached by James Wilson, Jefferson and Wythe, and John Adams). Consistency required, therefore, that the list of grievances be in the form of indictments against the King, although the quarrel since 1763 had been with

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The formal signing by the other members (excepting a few who signed still later) was on August 2. The names of the signers were not made public until late December, for this overt act of treason might bring the signers to the gallows. Even John Adams had some anxious moments. The Declaration was first read to the public on July 8, then the "Liberty" bell rang out. This famous bell was damaged while tolling for the death of John Marshall in 1835, and cracked fatally on Washington's birthday in 1846. News of the Declaration reached Charleston by August 14.

Parliament over questions of parliamentary authority. Charged with many violations of colonial rights in his alleged attempt to impose an "absolute despotism" in America, poor George III was made to appear as a tyrant who, in consequence, had forfeited all sovereignty over the colonists. Thus the common man was given a clear-cut, understandable reason for waging war. Leaders might comprehend the complex issues involved in the quarrel with Parliament, but the people needed a personal enemy.

And so the struggle which began as an armed resistance to objectionable acts of Parliament became a war for independence; but it was not the revolt of a united people, pooling their strength and resources to be free from an oppressive alien government. *A civil war* Actually it was a civil war in which Americans fought Americans, and in which many Englishmen, heartily disgusted with George III and his venal ministers, applauded their rebel kinsmen in the colonies. English liberals, with whom Washington became a hero, reflected with some satisfaction that the loss of the war might well mean the end of the King's personal rule. British merchants, eager to resume trade, were more concerned about the return of peace than victory for the King. Poor commoners, who had to fill the army ranks, had no enthusiasm for fighting others of British descent whose offense was trying to secure "rights" which the poor were denied in England.

The ratio of Loyalists to Patriots within the colonies (or states) can not be determined with accuracy. Before July 1776 there were many who, hoping for conciliation, approved resistance, but would not, by reason of loyalty, sentiment, or fear, renounce allegiance to the King. *Loyalists and Patriots* But after the Declaration of Independence proclaimed a new nation, loyalty to the King became treasonable, and many, therefore, unwillingly took the oath of allegiance to the United States because failure to do so meant in most colonies the loss of property and freedom. Thus a large but indeterminate number were only nominally Patriots. Historians commonly agree that probably one-third of all Americans were pronounced Loyalists. Some divide the total population into equal groups of Patriots, neutrals, and Loyalists. In New York, New Jersey, the Carolinas, and Georgia the Loyalists may have been in the majority. In the other colonies (or states), particularly Massachusetts

and Virginia, they were relatively scarce. Some indication as to the number of Loyalists is found in the 60,000 or more who sailed from New York in order to escape the unbearable consequences of having supported the established order. How many left from other ports is not known. Most of these unfortunates took refuge in Canada, East Florida, and England.

*Lines of  
division*

In general, members of the upper class—royal officials, great landholders and merchants, professional people, such as judges, lawyers, physicians, and Episcopalian ministers, and the old established families—remained loyal to Great Britain, while the middle and lower classes produced the revolutionists. Moreover, the elderly were commonly conservative, clinging to the established order; youth was rebellious. There were striking exceptions to the general rule, however. Many New England merchants and most Virginia planters were Patriots, and in other colonies the ranks of the revolutionists included at least enough distinguished men to provide gentlemen for leadership. It must be said, however, that John Dickinson, John Jay, Robert Morris, and some others wavered before casting their lot with the Patriots.

*In Virginia*

One reason why Virginia planters were Patriots, although their social position dictated loyalty to the old order, was the wide prevalence of heavy and long-standing indebtedness to British merchants—debts which it was believed would be canceled by separation from Great Britain. Then, too, a goodly number of these same planters had western land interests which had been thwarted by the royal policy since 1763. Certainly the influence of such economic forces is not to be denied, but in this case the explanation is too easy. It does injustice to the great leaders who, by virtue of a firm conviction in their rights, fostered by generations of virtual self-government and a social system that encouraged self-determination, preferred to fight rather than submit to injustice as they saw it.

*On the  
frontier*

Small farmers and frontiersmen were commonly Patriots, but here too we find important exceptions. In North Carolina the conditions which produced the Regulators' War drove many back-country inhabitants into the arms of the British, for hatred of the Tidewater residents (who were mostly Patriots) was a more compelling influence than real or fancied wrongs at the hands

of Parliament. In South Carolina the up-country settlers, who received bounties for the production of naval stores, were concerned about the consequences of a rupture with Britain, and so in large proportion remained loyal to the crown. Georgia wished a continuation of British protection from the Indians, and likewise contained many frontier Loyalists.

Some prominent families in different colonies were divided, the members of each, as men of honor in any age, respecting the decision of the others. But the general rule everywhere was mutual distrust, dislike, and hatred between Loyalists and Patriots, mightily stimulated by propaganda and becoming progressively bitter as the war continued.<sup>1</sup> In some places, notably in North Carolina, the conflict assumed the character of savage guerrilla fighting.

Religious conditions heightened the political and economic discontent which produced the revolt against England, for it was a day when sectarian feeling still ran high. The Anglican Church, it is true, tended to bind its colonial adherents to England, but its membership in America was relatively small. On the contrary, dissenters in general, particularly Congregationalists and Presbyterians (wherever the Scotch-Irish were to be found), gave to the clergy of New England and the frontier a powerful voice in rousing opposition to British imperial practices. In the eyes of dissenters, the Quebec Act of 1774 (granting freedom and protection to Catholics) had a sinister appearance. After the middle of the century there was much talk of a church hierarchy and an Anglican bishop to be appointed for America, and it was believed that the whole ecclesiastical establishment would be supported by Parliamentary taxation. If such a step should be taken, the position of the dissenting churches would be seriously endangered. Even the Episcopalians of the Southern colonies were opposed to the importation of English churchmen. In later years John Adams expressed the opinion that the fear of an Anglican episcopate contributed "as much as any other cause" to the stirring up of popular opposition to England.

*Religion as a  
cause of  
revolt*

<sup>1</sup> Making due allowance for the difference in time and setting, propaganda stories of the Revolution, including the "atrocities" variety, are surprisingly like those of World War I.

When the war came, Patriot dissenters showed their spirit by the desecration of Anglican churches, while Loyalists returned the favor whenever any given territory passed into the hands of the British army. The use of Anglican church pews for firewood by American soldiers, and the conversion of an Old South Church pew into a pigsty by the British, were not at all conducive to interdenominational harmony and sweet accord.

*The control  
of Loyalists*

The great number of Loyalists presented a real problem in all the states. Fortunately for the cause of independence, they lacked organization and leadership, and consequently were the more easily controlled. They were deprived of the suffrage, forbidden to hold office, and denied the protection of the courts and freedom of speech. Finally, in most states, banishment and confiscation of property was the penalty for refusal to take the oath of allegiance. Because of the great number of spies on both sides, travelers were required to carry a certificate of "Americanism" from the proper authorities. Unable to secure such certificates, Loyalists were greatly circumscribed in their movements. Taken all together, their lot was hard, and the injustices they suffered rankled in many a breast for generations. But to the lasting credit of Americans be it said that the punishment meted out to the losers was extremely mild in comparison with the plight of the vanquished in the French Revolution and the Russian Revolution of 1917.

*The problem  
of the lower  
class*

The complicated difficulties presented by the Loyalists remained to the end of the war; another problem—that of controlling the lawless element within the ranks of the Patriots—was handled effectively early in the struggle. The greatest political problem of government in a democracy is that of maintaining a fair balance between liberty and order. To many of the less responsible, liberty and equality meant license or freedom from all restraints. One reason for a lesser degree of American unity in 1775 than had obtained ten years earlier was the withdrawal of many conservatives from active opposition to British policies when they witnessed the aggressiveness of the unprivileged tasting their new freedom. When the war actually began, artisans of the towns, farm laborers, and indeed all who had little voice or influence under the old regime asserted themselves to enjoy the "natural rights"—including freedom from all government—which leaders of the

Revolution proclaimed. The lowest element in society, having little to lose by an upheaval but much to gain, welcomed the confusion which war produced.

By the same token, many conservatives held back or "held their noses" and stuck to their course, reasoning that the end might justify the means. Some of them—like John Adams, who had to listen to a horse-jockey's praise for Adams' role in helping produce a situation which made lawlessness relatively safe—had their anxious moments when they observed that the war seemed to threaten the foundations of organized society. Debtors in many instances refused to pay their debts, then, if the creditors had the temerity to appeal to legal processes, broke up the courts. At one time the courts of only two Massachusetts counties were able to try cases. Everywhere a leveling spirit brought consternation to those who had associated government with property and social standing. James Otis voiced the deep aversion of many: "When the pot boils, the scum will arise."

A much greater problem for America was that of raising, equipping, and keeping an army in the field. In 1775 Americans of military age numbered some 300,000. The territory controlled by the British in the thirteen colonies was virtually limited to one neck of land, and only 9000 redcoats were available to hold that. To be sure, Great Britain's advantage over the colonists in man power was fivefold, in naval strength a hundredfold, and in financial resources a thousandfold; but the half-hearted English people were never able to bring their resources to bear upon the widely scattered Americans 3000 weary miles from home. Concerted and enthusiastic resistance might well have overwhelmed British forces so completely as to terminate the war within a year—granting that the Americans had gone into it with anything remotely suggesting real preparedness, and granting too that they could have secured the necessary supplies to keep adequate armies in the field. But Americans were neither united nor enthusiastic. Loyalists not only refused to aid the American armies but joined the British and fought against them, or organized separate units for the same purpose. New York furnished more soldiers to the British army than to the American. Washington's soldiers were at no time much more than twice as numerous as the Loyalists

*The problem  
of soldiers*

under arms. When relying solely upon regulars his entire army sometimes numbered less than the Loyalists alone. Worse still, after the first flush of martial spirit had subsided, progressively higher inducements were necessary to rouse fighting blood to the point of enlistment—even for three months. The “pursuit of happiness” in labor or business at war prices proved far more attractive than the prospect of stopping bullets or freezing in the army.

It should be remembered, too, that most Americans were not motivated by a great ideal such as love of country—the sort that led thousands to sacrifice their lives in the Civil War, 1861–1865. In 1776 men could fight for independence, but they were much more concerned about their own particular state than the well-being of the thirteen collectively. For this reason it was difficult to induce New Englanders to fight in the South, or, after the early excitement, to persuade Southerners to fight in the North. Middle-state residents were indisposed to fight anywhere. Congress attempted to supply Washington with sufficient troops by calling on the states each to furnish its proper quota. The states then held out such inducement to recruits as they could offer. In Massachusetts bounties that started with ten dollars eventually reached a thousand—in paper money. Virginia toward the end of the war offered ten times more, or, if preferred, 300 acres of land and a “sound negro.”

*Small size of  
armies*

In spite of the great number of enlistments and the lively response of the militia and farmers when the British or Loyalists struck in a given neighborhood, Washington's greatest strength (regulars and militia) for a single battle was not over 18,000 men. Seldom was it more than one-third that number, and at times he could hardly muster 2000. Nothing caused Washington so much trouble, or stirred him to such depths, as did the militia which drifted in, consumed provisions, and left sometimes at the most critical moment. Just before the battle of Bemis Heights, for example, a body of militia joined the army in the morning but was gone before noon because its term of enlistment had expired. The approaching cold of winter always decimated the army, as “summer soldiers” were driven home by sickness, sometimes carrying a prodigious amount of supplies as they went. Outright desertion was so common that little could be done to stop it.

Irish deserters to the British army were so numerous that a corps of "Roman Catholic Volunteers" was organized to accommodate them.

Washington chafed under the impossibility of producing soldiers from raw recruits who could not acquire the rudiments of military training before their term of enlistment expired. In New England, particularly, democracy with its "leveling" spirit made "generals" of privates who exercised the prerogative of choosing their company officers, then obeyed them if they felt like it. Officers fraternized and intrigued with their men to the extent that discipline at first was well-nigh impossible. In time Washington was able to develop a fine body of officers; but the outlook in the fall of 1775, what with the profiteering that had already begun, and the difficulty encountered in trying to induce summer soldiers to reenlist, led him to write:

*The problem of discipline*

Such a dearth of public spirit, and want of virtue, such stock-jobbing, and fertility in all the low arts to obtain advantages of one kind or another, . . . I never saw before, and pray God I may never be witness to again. . . . Such a dirty, mercenary spirit pervades the whole that I should not be at all surprised at any disaster that may happen. . . . Could I have foreseen what I have, and am likely to experience, no consideration upon Earth should have induced me to accept this command.<sup>1</sup>

Washington expected his men to show a measure of the zeal and devotion which he brought to the cause of independence. A small minority did; and in the ragged, hungry Continentals who stuck with him through the discouragements of defeat and the extremities of Valley Forge to that glorious autumn at Yorktown—or dropped along the way as a sacrifice to an ideal of human liberty—we find the steadfast courage that makes every true American humbly proud to honor them.

*Those who endured*

A better knowledge of the conditions which American soldiers faced almost constantly makes those who meanly served or deserted appear less reprehensible. Insufficient clothing was a great factor

*Conditions of army life*

<sup>1</sup> British officers commonly felt contempt for American soldiers. A classic example is found in the opinion of General Wolfe who described them, during the French and Indian War, as the "dirtiest, most contemptible cowardly dogs that you can conceive. There is no depending on them in action. They fall down dead in their own dirt and desert by battalions officers and all."



in the hardships sustained. Uniforms were not supplied; men wore what they had or could get. A common complaint of officers was that their men were in rags, and in some winter battles soldiers stumbled barefoot over frozen roads. The suffering at Valley Forge is an American classic. An effective blockade against woolens would have gone far toward freezing the Americans into submission, for manufacturing was not sufficiently advanced to supply the needs of the army without greater sacrifices than the citizenry was prepared to make.

#### *Disease*

The rigors of army life, with insufficient clothing, shoes, tents, or blankets; the half-starved condition because provisions were seldom adequate, thanks to the lack of interest on the part of non-combatants; and the necessity for accepting promises instead of pay were not the only causes of desertion. Disease—the greatest single factor in wars preceding the twentieth century—stalked through the army camps and took a toll distressingly high because of incompetent doctors and the hopelessly inadequate and badly organized hospital service. Equipment (instruments and drugs, and other hospital supplies) was rarely sufficient in any place, and often even stock remedies such as quinine could not be had. The salary of the Director-General of the hospital service was only four dollars a day, and for ordinary surgeons it was so small that few but amateurs would accept.<sup>1</sup> One doctor expressed the opinion that the medical department accounted for more deaths than the sword of the enemy. Men were incapacitated in great numbers by scurvy, dysentery, and fevers. But more dreaded than all else, including the British and Indians, was smallpox. Men were inoculated in smallpox hospitals against the disease, but many feared the ordeal only less than the malady itself, and preferred to risk a firing squad for desertion rather than face either.

Whether well clothed or in tatters, sick or well, soldiers must have fighting tools. The lack of munitions, particularly powder,

<sup>1</sup> The first director of the service was Benjamin Church of Massachusetts, appointed in 1775. He was also the first American traitor. At the opening of the war this Boston physician was a member of the provincial congress of Massachusetts, and chairman of the Committee of Safety. Although considered a leading Patriot, he was a paid informer of General Gage and supplied much information about Patriot plans. He furnished the knowledge that resulted in Gages' attempted seizure of stores at Concord.

during the first two years was acute. There was little powder in the colonies when the fighting began, except that left in magazines at the close of the French and Indian War. Half of that which was seized was sent to Boston, and wastefully spent before Washington took charge of the army. Every colony undertook to manufacture powder, but without imports the supply would have been desperately inadequate. Before the end of 1776 France was the chief source of supply. Most of the guns were antiquated and inefficient, and few were being made in America. But for the small arms and cannon secured from abroad, or seized at the opening of the war (as at Ticonderoga), the Continentals must have made a sorry showing indeed.

The failure of the central government to feed, clothe, and equip its army decently reflected the lack of popular support for the Continental Congress—a body without legal authority and, consequently, entirely dependent upon the good will of the states. The expenses of the army were to be borne by the states, in proportion to population, but in the meantime Congress must have money. It could borrow but little (most wealthy men were Loyalists), and it had no power of taxation. Bills of Credit (notes in the form of paper, known as “continental” currency) were therefore issued, starting in June 1775, shortly after the Battle of Bunker Hill. Between that time and November 1779 a total of \$241,500,000 was authorized. It was intended that the states should raise by taxation the necessary money to retire the bills. Instead they accepted them as legal tender and issued bills of their own to the amount of \$210,000,000.

*The problem  
of finance*

The abundance of money pleased the debtor class and started inflation. In 1780, because the continental currency had depreciated to approximately two cents on the dollar, Congress provided for its retirement by the states at the rate of forty to one in specie. In another year all that was left outstanding became worthless; hence the long-standing expression, “not worth a continental.” Paper money issued by the states went the same road, being redeemed at rates from forty to one to one thousand to one.

*Inflation*

Beginning in 1777 Congress made requisitions of money from the states, and three years later resorted to requisitions in kind: that is, a given amount of the clothing, blankets, and food pro-

*Requisitions  
and loans*

duced by the several states. After 1781, when Robert Morris became Superintendent of Finance, conditions improved, but he was forced to borrow on his own personal credit. Because Americans willing to take the risks had little money, the value of domestic loans in specie amounted to some \$10,000,000 only. From France, Spain, and Holland came loans and subsidies totaling approximately the same amount.<sup>1</sup> Considering the many difficulties under which the Congress labored, together with the popular aversion to taxation, the remarkable fact about Revolutionary finances is not that they were badly managed, but rather that they were not much worse. At any rate an army was kept in the field until independence was won.

*Troubles of  
the redcoats*

If the American soldiers campaigned under many heavy obstacles, the same was true for the enemy. Britain could command five times as many soldiers, if only they could be induced to enlist, but they must first be transported 3000 miles in loathsome, rat-infested, and sometimes leaky hulls that always required from one to three months for the crossing. During the war seventy-six ships of one kind or another were wrecked or foundered. Food and treatment on transports were abominable: sand in the bread (supplied by weight through contractors), foreign animal life in the oatmeal (boiled in rotten water), bacon five years old, and ancient biscuit—some of it seized from the enemy during the French and Indian War. And there was the cat, the rope's end, and the yardarm for insubordination. On arrival those who survived scurvy and ship fever had to be seasoned for a time while they regained their shore legs. After that came campaigning in the hard winters of the North or the hot malarial summers of the South. Although the redcoats were better fed, clothed, and equipped than their opponents, it is perhaps not surprising that they generally fought without enthusiasm. This was especially true in the case of poor wretches who were impressed, turned from jail into the army, or furnished by petty German states for a price. To Americans who had to fight their own battles, this

<sup>1</sup>Subsidies (or gifts) from France totaled \$1,996,000; from Spain, \$397,000. French loans totaled \$6,352,000; the Spanish, \$248,000. In 1782 John Adams was able to borrow \$1,304,000 from Dutch bankers.

hiring of some 20,000 "Hessians" seemed the crowning ignominy of King George.

Placing troops in America was only the beginning of Britain's problems. They must be equipped, clothed, and in part fed from a distance of 3000 miles. By the use of the royal navy, seaport towns could be taken, but America was a land of forests and great distances with a scattered population that could not be conquered. Campaigns into the interior ended disastrously because the army that left its coastal base invited extinction. The British might seize and hold a given neighborhood, but as soon as they moved to another their control over the first one was gone. In some localities large numbers of Loyalists joined the British, but they could never keep control after the redcoats had moved on.

*Problems of  
bases and  
supply*

From the beginning several British military authorities, including the Secretary of War, believed that the Americans could not be beaten on land. Far better, therefore, that operations should be confined to the navy. But such men did not direct the war; indeed that duty fell to the Colonial Secretary, Lord George Germain. Germain was an energetic fellow, but he was disliked by British generals, who considered him a coward, and he was anything but a William Pitt. By studying maps he worked out exact instructions for army maneuvers 3000 miles away—it was as simple as that—then bungled his orders. His attempted direction of the war certainly contributed little to an already tarnished reputation.

*Lord  
Germain*

To add to his difficulties, and those of his generals, the Continentals did not fight according to the European rules of the game. If it had not been for Washington they might not have fought for long under any rules.

## Chapter Eleven

### THE WAR FOR INDEPENDENCE

*Washington  
in command*

GENERAL WASHINGTON was forty-three years of age when he took command of the Continental Army at Cambridge in July 1775. Endowed with a superb physique, he possessed nobility of character and strength of intellect to match. He needed both for the testing time to come. How well he succeeded, the whole world was to learn in the fullness of time. Serving from a sense of loyalty to a great cause—he neither asked for nor received a salary—he overcame the discouragements resulting from the failure of most others to render a comparable measure of service. He was the only truly great man produced by the war on either side. Whether Washington was a great tactician is for military experts to decide. Certainly he mastered the strategy of retreat (in which he was often engaged), and he personified the courage and devotion to duty necessary to keep an army in the field until the British were willing to give up the struggle.<sup>1</sup>

*His generals*

Serving under Washington were several officers of commendable ability, but only a few enjoyed previous army experience. Nathanael Greene, who displayed something approaching military genius, was easily the ablest of all Washington's lieutenants. Although drawn from private life, this "fighting Quaker" had studied the science of war, and in 1773 had attended a military parade—for which he was dropped by the Society of Friends. Charles Lee, an English soldier of fortune, had seen more army life than had Washington. He served in the French and Indian War and married the daughter of a Seneca chief. Afterwards he fought in Europe, returning to America in 1773. He was able to

<sup>1</sup> Although there were long periods of inactivity during the war, Washington's high sense of duty allowed him to go home only twice in eight years (brief visits during the Yorktown campaign in 1781); yet his dearest wish was to be at Mount Vernon.

make a highly favorable impression on Congress, otherwise his career must have terminated earlier than it did. Horatio Gates, with long and honorable service in the British army, came to America in 1772, and, like Charles Lee, purchased a plantation in Virginia. Gates was a hard worker and an able administrator, and he was loyal to Washington; but he failed to live up to expectations. He is evidently deserving of better treatment than historians generally have accorded him. One of the most brilliant men in American service was the courageous Benedict Arnold, but the fiber of his character gave way under the strain of injustice and injury. Israel Putnam, who according to tradition rushed to war from his plow without stopping to change his clothes, was an active leader in the early part of the war. Although popular with his men, "Old Put" seems not to have been qualified for the high rank to which he was raised. Apoplexy terminated his military career in 1779. Philip Schuyler was competent, thoroughly trustworthy, and unfortunate in his inability to hold the confidence of New England.

Before the end of the war several foreign volunteer officers gave worth-while assistance. Among them were Lafayette, von Steuben, and Kosciusko. Easily the most romantic and best known of these was the youthful Marquis de Lafayette. Despite weaknesses, he was sincerely interested in the establishment of republican institutions based upon democratic principles, and besides he represented those among his countrymen who were of a like mind. Baron Frederick William Augustus von Steuben was not really a baron, and was only a captain in the German army, from which he was discharged for reasons not clear. As a drill master he rendered real service, and was loyal, honorable, and lovable. Thaddeus Kosciusko of Poland was an excellent artillery officer.

During the summer of 1775 Washington labored at Cambridge to whip his army into shape, only to have a great portion of it go home in the fall. The new year opened with money and powder almost exhausted, and still without the badly needed cannon. But the British cooped up in Boston were having their troubles from near starvation, fuel shortage, and smallpox. The lazy Sir William Howe, who had succeeded Gage as commander of British

*The Siege  
of Boston*

forces in America, had no desire to start a campaign, and he considered evacuation hazardous during the winter months.

By February 1776 Washington's fortunes were on the upturn. Powder was coming in, and before the end of the month over fifty cannons and mortars finally arrived over snow and ice from Ticonderoga.<sup>1</sup> On the night of March 4 Washington seized Dorchester Heights and trained his cannon on the town. Caught off guard, Howe had no choice but to fight or evacuate. He chose the latter course, and on St. Patrick's Day sailed for Halifax with his entire army. With him, in sorrowful exodus, went over 1000 Loyalists, representing several of the colony's most distinguished families. Within a few weeks the Massachusetts General Court began the confiscation of their estates.

*British  
failure in  
the South*

Meanwhile a British attempt to establish a base in the Carolinas was going awry. The British government fondly believed that swarming Loyalists in those colonies needed only a little support to gain control. Accordingly, troops under Lord Cornwallis were sent from Ireland to form a conjunction with the up-state Loyalists of North Carolina. Clinton, with a detachment from Boston, was to join Cornwallis and the Loyalists to smother Southern opposition. Everything miscarried. On February 27, 1776, at Moore's Creek Bridge not far from Wilmington, weeks before Cornwallis reached America, the Loyalists were overwhelmed by Patriots. When Clinton arrived at Wilmington six weeks later it was quite evident that North Carolina was lost, so he combined with the fleet that brought Cornwallis for an attack on Charleston. There the Patriots had erected Fort Moultrie of shot-resisting palmetto logs. On June 28 the fleet attempted to reduce the fort but withdrew with the loss of a ship after ten hours of bombardment. After three weeks of refitting (only one of the ten ships was seaworthy after the fight), Clinton and Cornwallis retired with their mosquito-bitten troops to the more congenial task of aiding Howe at New York.

<sup>1</sup> In November, by a lucky stroke, a privateer had captured a British supply ship, the *Nancy*, bearing 2000 muskets and other equipment, but no powder.

This hard task of bringing the guns from Ticonderoga was performed under the direction of Colonel Henry Knox. They were brought as far as Framingham by January 25. It seems that they were not moved from that place for another month.

After Howe left Boston, Washington rightly guessed that the next point of attack would be New York. The British plan for operations in 1776 called for a concentration of forces on the lower Hudson to cooperate with Carleton's army which should come down from Canada, thus cutting off New England from the other colonies. The success of this plan might well have been fatal to the Patriot cause. Washington, with such forces as he could muster, arrived at New York in April 1776. His strength had been considerably weakened by the detachment which he had sent to aid Arnold after the assault on Quebec. But this sacrifice was not in vain, because in consequence of the Canadian campaign Germain divided the forces being sent to America, 10,000 going to Canada. Benedict Arnold, although wounded when Montgomery fell (December 31, 1775), had continued the siege of Quebec until the British troops arrived in May. He then retreated, but with reinforcements sent by Congress stubbornly resisted Carleton's advance until his dwindling little army, ravaged by smallpox, had to fall back to Lake Champlain. There he built ships and resisted until Carleton abandoned the campaign (October 1776) and returned to Canada for the winter. But for Arnold's heroic services the history of the war would be written far differently.

*British plan  
for 1776*

*Arnold  
resists  
Carleton*

Meanwhile, because of the Canadian campaign and the failure of provision ships and transports, General Howe delayed his departure from Halifax until June 11, 1776. On July 2, the day Congress declared independence, his troops were landed on Staten Island. But for this long delay Washington in all probability could not have saved New York from the Loyalists, and with the British in control of the city there might well have been no Declaration of Independence. Speculation, however, is probably more interesting than profitable. Much was to happen before the British actually occupied the city several weeks later.

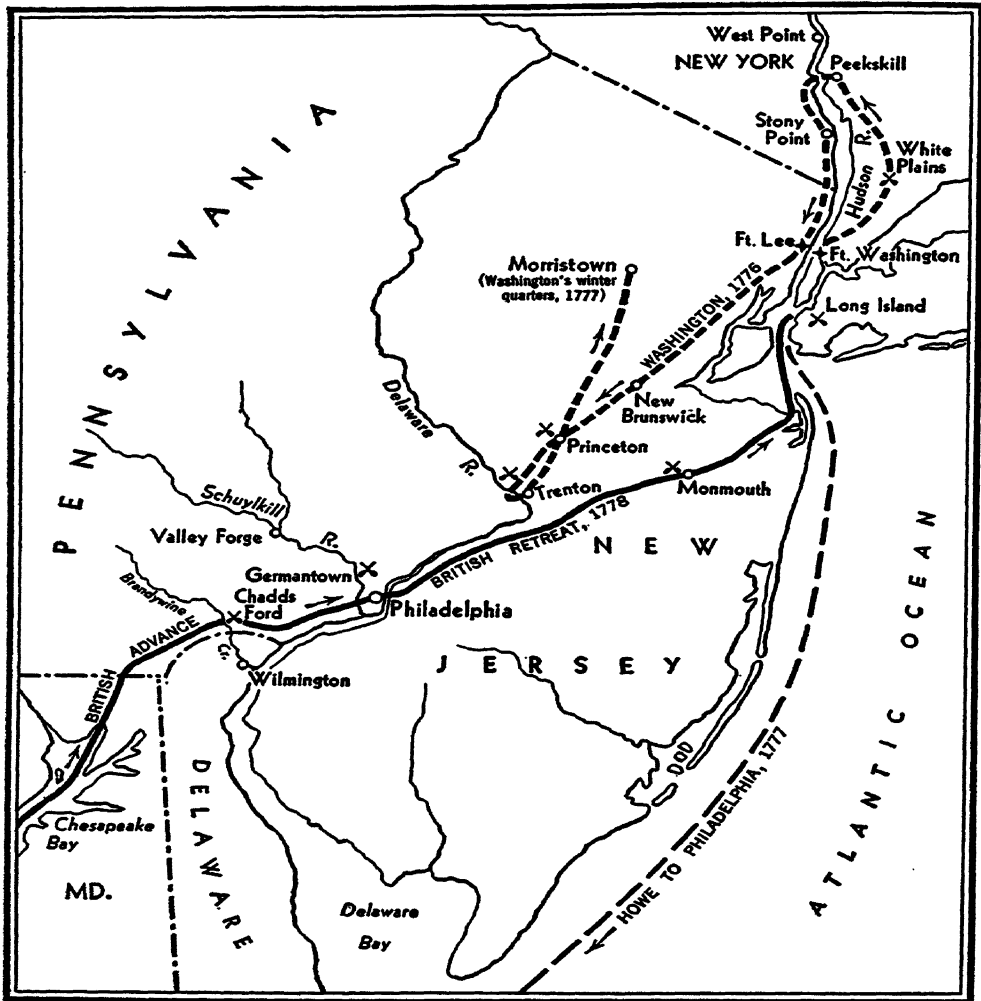
*The Howes  
to New York*

General Howe was joined at New York by a great fleet under his brother Richard, Admiral Lord Howe, and by August the harbor was dotted with over 500 British ships; and the redcoats numbered at least 34,000. Yet fighting was delayed for several weeks. The Howes were able warriors, but their American sympathies, well known in England, led them to favor concilia-

*First, the  
olive branch*



tion rather than bloodshed. Indeed, Lord Howe's instructions called for the King's full and free pardon of Washington and other leaders if they would cease rebellion and help restore tranquility.



CAMPAIGNS IN THE MIDDLE STATES, 1776-1778

Accordingly "Black Dick," as his sailors called him, sent a letter with such an offer to "George Washington, Esq.," who politely refused to receive it. The war must continue.

Washington, with little more than half as many men as the

Howes commanded, and in a position highly vulnerable because of the royal navy, could hardly hope to withstand the British. As a second line of defense he had constructed Forts Washington and Lee on opposite sides of the Hudson, near the northern end of Manhattan Island. But to withdraw without fighting would be heavily damaging to American morale. Washington therefore fortified Brooklyn Heights because enemy cannon, if placed there, would make New York City untenable. In August, Howe landed an army several miles behind the Heights, and on the twenty-seventh won the decisive Battle of Long Island. The Americans fought well against overwhelming odds, but under the faulty leadership of Washington's commanders they could not do the impossible.<sup>1</sup> For a day, during which a north wind prevented the navy from cutting off his retreat, Washington held the Heights, hoping for another Bunker Hill attack. Howe would not accommodate. Then on the night of the twenty-ninth Washington directed the retreat of his 10,000 men by small boats across the intervening mile of water to New York. It seems incredible that the British, near at hand and 25,000 strong, should not have detected the movement. Such a splendid opportunity for ending the war at one stroke never came to Howe again. If the Americans were unlucky in the Battle of Long Island, Washington was lucky in getting out of a trap. Even so, a man less cool and resourceful might well have been caught. In England, General Howe's reputation suffered a shocking slump.

Relying upon the chastening effect of the American defeat on Long Island, and still extending the olive branch as well as the sword, Lord Howe sent Major-General Sullivan (captured in that battle) to Philadelphia with the request that members of Congress be sent to confer privately on the outlook for peace. Franklin headed a committee which accordingly met with Lord Howe on Staten Island, September 11, 1776.<sup>2</sup> The conference was friendly but brief. Howe could promise nothing but leniency, while Franklin, acting under instructions, refused to negotiate on any basis except the recognition of independence.

Because the war must continue, the British then easily occupied

<sup>1</sup> General Greene was gravely ill, the Patriots had only six field pieces to the British forty, and Loyalists aided the British as guides over the unfamiliar terrain.

<sup>2</sup> Sir William was not present. John Adams and Edward Rutledge were the other members of the committee.

*Howe takes  
New York*

New York, the Americans retreating none too quickly to Harlem Heights. New York City remained in British hands to the end of the war, a sanctuary for Loyalists who there sought refuge from every colony.

*Retreat  
through  
New Jersey*

In mid-October, 1776, when Arnold's stubborn resistance on Lake Champlain was forcing Carleton to abandon his campaign for the season, Howe tardily moved to control the lower Hudson in order to complete the junction of British forces. Washington's position became daily worse. He crossed the Hudson into New Jersey. Charles Lee with 7000 men was left on the east side. On November 16 Fort Washington, with over 2900 of the best American troops, and with forty-three cannons and great quantities of munitions, fell to Howe. Four days later Fort Lee, with stores, blankets, and nearly 100 cannons, was abandoned from necessity when Cornwallis arrived with a large force. Washington, with such troops as he could hold together, then retreated before overwhelming forces across New Jersey.

Reaching the Delaware at Trenton, he ferried his troops across, the last of them embarking (December 8) as Howe's advance guard entered town. According to his critics, Howe had again calculated the exact time necessary for the enemy to escape.

Temporarily Washington was safe, for he had collected all the boats for many miles along the river; but the Patriot cause appeared desperate. Morale had slumped, and wholesale desertions had reduced the army to 3000 men. The ragged Continentals had gone hungry in their retreat across New Jersey, while the redcoats, offering gold, secured abundant supplies with ease. Moreover there was a hearty response to the British commander's offer of pardon to all who would take an oath of allegiance. Congress fled to Baltimore (December 12), and Howe was waiting only for the Delaware to freeze in order to resume the chase.

*Lee is  
captured*

Lee, meanwhile, remained in his safe position in spite of repeated orders to join Washington, who, Lee wrote, was "most damnably deficient." Conceited and vainglorious, this adventurer seemingly contemplated Washington's ruin so that he, as second in command, would succeed him. Finally he too had to retreat into New Jersey where he was captured in bed (December 13) and carried off a prisoner in his nightgown. It would have been

still more fortunate for the Patriot cause if subsequently he had not been exchanged.

Washington did not wait for nature to bridge the river for his enemy. Reasoning that the Hessians in their winter quarters at Trenton would enjoy lax discipline at Christmas time, particularly because Howe and Cornwallis had returned to New York to celebrate, he split his army (reinforced by what was left of Lee's command) into three divisions, each to cross at a different point for an attack. Christmas night came with sleet and snow. Masses of floating ice in the darkness made the river so perilous that two crossings were abandoned; but Washington with his division would not turn back. After ten hours he had 2500 men with guns on the Jersey side. Then followed a nine-mile march to Trenton. Taken by surprise, the Hessians were routed, and a thousand were made prisoners.

With this startling victory the Patriot cause immediately took a new lease of life. Soldiers whose term of enlistment was about to expire reenlisted for six weeks, and Congress voiced its confidence in Washington by giving him the extensive powers he should have had from the beginning. In New York the news was distressing. Cornwallis, who was preparing to enjoy a leave of absence, was sent with a large army to bag the "Old Fox." But Washington executed a brilliant night maneuver and evaded the trap, defeating a portion of Cornwallis' forces at Princeton for good measure. He then went into winter quarters at Morristown. Because of the position of the Continentals on their flank, the British then withdrew to New York, deserting New Jersey except for a few unimportant locations near the ocean. Thus in ten days' time Washington had undone Howe's entire year's work except for the possession of New York and the lower Hudson. Manifestly the mere occupation of towns and territory was not enough to win the war for Britain—the elusive Patriot army would have to be caught and beaten.

The British plan of campaign for 1777 called for the "reconquest" of America by a concerted attack on Washington's forces. The plan was worked out by Burgoyne, Germain, and the King. Burgoyne had been with Carleton when that unsuccessful general retreated from Ticonderoga in the fall of 1776, but he hastened

*Trenton*

*Princeton*

*British plans  
for 1777*

home in order to rehabilitate his lost reputation. In London he wielded a glib tongue with far greater success than he had ever commanded troops. Indeed, this handsome amateur actor and impecunious man of fashion talked himself into top command of the army which was to be the spearhead of British operations in America. Burgoyne was to lead an army of regulars, Canadians, and Indians from Montreal by the old Champlain-Hudson route to make a juncture at Albany with Howe's forces, while Colonel Barry St. Leger with a secondary force was to advance upon Albany by way of Oswego and the Mohawk.

*Burgoyne's  
advance*

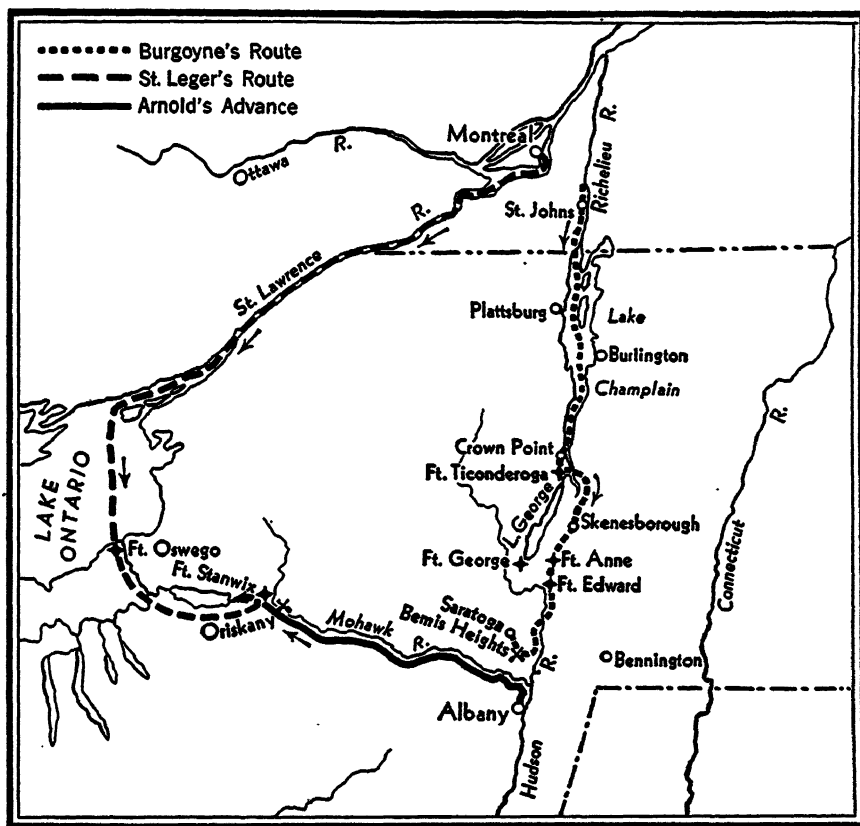
In June 1777 Burgoyne's army of some 8000 regulars, 400 Indians, and upwards of 2000 servants, musicians, and women moved into Lake Champlain—a gorgeous pageant against the forest green. In early July, General Arthur St. Clair, commanding at Ticonderoga with 2000 poorly equipped men, wisely withdrew. The British were elated. But “Gentleman Johnny's” real troubles were just beginning as he then undertook the several unavoidable transfers between Lake Champlain and the Hudson. He carried too much artillery; supplies, including an abundance of port and madeira for the officers, were heavy—thirty wagons were required to accommodate his personal baggage—and his provision carts broke down. General Schuyler set a thousand axemen to felling trees with such expertness as to make British progress painfully slow, and the country people were encouraged to burn their standing crops and drive off their cattle. Swarms of mosquitoes supplemented the torture of sultry heat.

*Bennington*

Confronted with hunger, and desirous of mounting his heavy-footed German dragoons, Burgoyne detached 800 men for a raid on Bennington, Vermont, where (he had heard) vast supplies were stored. While on this jaunt, which was to include a swing southward, the detachment should pick up, as well, 1300 horses together with cattle and wagons. The raiding party never reached Bennington. Instead, on August 16, it was overwhelmed by John Stark and his 1500 untrained militia. In that hot fight the leader of the Green Mountain Boys lost his bridle and saddle, but Molly Stark was not a widow that day.

Hard on the heels of Bennington came the news that St. Leger had been turned back on the Mohawk. The settlers of that valley,

mostly of German and Dutch descent, reinforced Fort Stanwix. *St. Leger* and were not to be scared out by *St. Leger's* motley horde of *retreats* regulars, Indians, and Tories (Colonel John Butler's Rangers). A body of militia under General Nicholas Herkimer attempted to



#### BURGOYNE'S CAMPAIGN

relieve the fort, only to be ambushed near Oriskany (August 6) by *St. Leger's* Indians and Tory Rangers. In one of the bloodiest battles of the war the militia held their ground but were unable to advance after the enemy retreated. When Arnold's advance up the Mohawk with a small relief force became known, *St. Leger's* Indians took fright, stole the camp liquor, and fled. *St. Leger* was forced to follow on August 22.

By this time Burgoyne was concerned about Howe's failure to

move up the Hudson. Actually, in July, that general's army had taken ship for the Chesapeake. The responsibility for this failure to cooperate with Burgoyne has never been fixed. Howe did not receive specific campaign directions from Germain until August 16, but he had seen a copy of Burgoyne's instructions before leaving New York.

*Brandywine* Howe's plan was to take Philadelphia—this time by way of the Chesapeake—before giving aid to Burgoyne. Not until August 25 did he reach the head of Chesapeake Bay, fifty miles from Philadelphia. Washington thus had had plenty of time to make all the preparations that his resources would permit. The British leisurely advanced to the Brandywine where Washington blocked the way. There, on September 11, Howe won a well-fought battle but, as usual, did not follow up his advantage. On the twenty-seventh he entered Philadelphia and made preparations for a pleasant winter. A week later Washington undertook a surprise attack on the main British camp at near-by Germantown; but in the fog of early morning one of his own brigades attacked another, and in the resulting confusion the Americans were forced to retreat. Washington then went into winter quarters at Valley Forge, about twenty miles from Philadelphia.

*Saratoga,  
October  
1777* Meanwhile the most decisive victory of the war (Saratoga) had been won in the woods of the upper Hudson. After Bennington, New England and New York militia, thoroughly aroused and scenting victory, rapidly augmented the American forces that blocked Burgoyne's advance.<sup>1</sup> Washington sent Daniel Morgan with his famous frontier riflemen; Arnold returned from the Mohawk; General Gates was given command, superseding Schuyler who could not hold the confidence of the New Englanders. Burgoyne's earlier assurance changed to fear. With provisions running low, and with desertions multiplying, he risked battle at Freeman's Farm near Bemis Heights on September 19, and sustained a drubbing. There was still time to retreat, but he was counting on Clinton's force moving up the Hudson to relieve him.

<sup>1</sup> An important stimulus for action was the circulation of gory atrocity stories. Unfortunately for Burgoyne, who could not control his Indians, there was a basis of truth in them. That region has never forgotten how beautiful Jane McCrea was killed and scalped. Throughout the war Indians on both sides proved a greater liability than asset. Few fought on the American side.

On October 7 Burgoyne again attacked at Freeman's Farm and was beaten decisively. He then retreated to Saratoga where, on October 17, 1777, he surrendered what was left of his command. Thus ended the campaign of 1777 which was to have given the British control of the Hudson. The news of Burgoyne's surrender brought France into the war.

From the beginning of the struggle many intellectuals of France applauded the Americans, and a few, such as Lafayette and the gallant, German-born, de Kalb, volunteered their services. *French sympathy* Voltaire was voicing a revolt against privilege, and Rousseau popularized a "back to nature" movement. Surely men in the savage state were free and equal, and the Americans, presumably, were not far advanced toward civilization—a condition which warped men! Court ladies went "back to nature" by going fishing, and Queen Marie Antoinette, who imagined herself much interested in the "dear republicans" overseas, tried butter making. Washington became a hero, and the Declaration of Independence was warmly received.

But it was neither love for the Americans nor enthusiasm for their cause which led official France to cast her lot with them. *Desire for revenge* The rulers of a state are fully conscious that self-preservation is the first law of nations, and they commonly act from purely selfish motives. Moreover, in declaring that "governments derive their just powers from the consent of the governed," the colonists were flinging a challenge to monarchical governments. France entered the war for one dominant reason—revenge on her hereditary enemy, England. Since 1763 France had suffered the lasting humiliation of defeat, of territorial dismemberment, and of playing second fiddle to the British. But in the removal (1763) from Canada of the Gallic menace to the Thirteen Colonies, some Frenchmen, including Foreign Minister Choiseul, had sensed the hopeful prospect of colonial revolt from the mother country. The Anglo-American quarrel after 1763 was observed intently from Paris, and special agents were kept in the colonies in order that France might watch developments more closely. Not the least of the advantages from a war of revenge might be the capture of American commerce—that great source of British strength.

From the beginning of the rebellion against England the



*Deane goes  
to Paris*

colonists realized more and more the necessity of foreign help. But prior to a formal declaration of independence it would have been treasonable to seek it. In November 1775, therefore, the Continental Congress appointed a secret committee of correspondence to make soundings looking to outside assistance.<sup>1</sup> This committee was informed by a French agent (Bonvouloir) that France was friendly, and was not desirous of recovering Canada. The following March, Congress sent Silas Deane to Paris to seek military and financial aid. Under the assumed name of "Timothy Jones, Esq.," a West Indian planter abroad on business, Deane took elaborate pains to maintain secrecy, even to the use of invisible ink. He reached Paris in July 1776, and immediately London was given full information concerning his mission. Throughout the war the British secret service was excellent.<sup>2</sup>

*French aid*

On May 2, 1776, two months before Deane arrived in Paris, and two months before the colonies declared independence, the French government formally decreed secret assistance to the Americans. Vergennes, the foreign minister, had experienced much difficulty persuading the young and simple-minded Louis XVI that French territorial and commercial interests dictated the action. Louis shrank from antagonizing the British, and Turgot, his minister of finance, was opposed to war which would ruin the already tottering finances of France. But the eloquent Vergennes was ably supported by the versatile Beaumarchais, and together their arguments proved irresistible. It was this Beaumarchais—ex-watchmaker, courtier, and playwright—who, as head of a fictitious firm (Roderique Hortalez et Cie.), was made disbursing

<sup>1</sup> Arthur Lee, a Virginian residing in London as agent for Massachusetts, was commissioned as confidential correspondent. It was through him that Beaumarchais (see below) became a convert to the Patriot cause. Not until 1781 did Congress appoint a Secretary of Foreign Affairs.

<sup>2</sup> Deane's private secretary in Paris, Dr. Edward Bancroft, was a British spy. Bancroft, a native of Massachusetts, served American representatives at Paris, including Minister Franklin and the peace commission, to the end of the war. Not for a century was his true character known to Americans.

Throughout the war great difficulty was encountered in keeping in touch with representatives abroad. At least one-third of all communications failed to reach their destination. The British intercepted most of them. During one period of eleven months not a single communication from any one of twelve agents reached Congress.

agent for the French government.<sup>1</sup> Through him, Deane arranged for the shipment of supplies of many kinds, including cannon and other munitions from the royal arsenal. Probably ninety per cent of the ammunition used at Saratoga came from foreign sources, chiefly French. In addition to this invaluable aid the French government, in spite of British protests, allowed American privateers to fit out in French ports for attacks on English commerce. The British knew perfectly well what was happening, but "secret" assistance to the Americans was less injurious to Britain than actual war with France.

With the Declaration of Independence, attempted secrecy was thrown to the winds, and Congress appointed an official commission, consisting of Silas Deane and Arthur Lee (both abroad) and the inimitable Benjamin Franklin. This venerable philosopher, scientist, and profound student of human nature was rounding out a long and honorable career; but the best was yet to come. Reaching French soil in December 1776 after a rough passage, he took Paris by storm, turned handicaps into advantages, wore his own hair and simple clothes, set new styles, and enjoyed himself and the French people. Not for mere enjoyment did he play the role of a society lion, sit for portraits, and attend endless social affairs. Actually he was capitalizing on his immense popularity to win support for the American cause; but the chief object of his mission—recognition of American independence and a treaty of amity and commerce, and, later, a treaty of alliance as well—was delayed for many months. The bait he offered—American commerce, and assistance for the conquest of the British West Indies—was not sufficiently attractive. Vergennes had no thought

*Benjamin  
Franklin in  
Paris*

<sup>1</sup> Beaumarchais is perhaps best known as the author of *The Barber of Seville* and *The Marriage of Figaro*. His zeal for the American cause was real. The French government had intended to make a gift of the supplies, but when Beaumarchais found that Deane was prepared to buy (on credit), contracts were made accordingly.

Whether Beaumarchais made personal contributions for which neither he nor his heirs were ever reimbursed is still debated. In 1835 Congress made a compromise settlement with his heirs. It is highly probable that Beaumarchais was never one franc out of pocket. Deane, despite his services and burning zeal for the cause of independence, suffered a worse fate. Largely through jealousy (particularly on the part of Arthur Lee) and intrigue, he was recalled by Congress in 1778, and his reputation and career were ruined. He died a pathetic figure.

of plunging France into war unless he had reasonable assurance that the action would prove a decisive blow to her ancient enemy. And poor King Louis did not want war with anybody.

*Saratoga and British peace offer* As long as Washington suffered reverses Franklin found the foreign minister decidedly cool. Burgoyne's surrender at Saratoga quickly changed the setting. News of this decisive action reached Paris on December 4, 1777. The wheels of diplomacy accelerated. In London, Lord North's government immediately took steps to offer the United States everything they had demanded except separation from the empire. Lord North favored even that. In due time a commission headed by Lord Carlisle was dispatched to bear the offer to America. Meanwhile the ministry sent a secret service expert to Paris to enlist the support of Franklin, Deane, and Lee for the proposition. The effect of the ensuing conversations between them was not lost on Vergennes.

*The French alliance* Would the Americans, tired of fighting as they were, accept Britain's peace offer? Vergennes was afraid they would; and with the end of war, French chances for revenge might vanish forever. Moreover, having effected a reconciliation, Britain and the United States might join forces to seize the French West Indies. He tried to induce Spain to take joint action with France, failed, and then (February 6, 1778) signed two treaties with Franklin, Deane, and Lee. By this action France recognized the independence of the United States.

The first treaty, that of amity and commerce, granted important privileges to American shipping; the second was a treaty of "defensive alliance," and would become effective if Great Britain made war on France. In that event the allies would fight until American independence was assured, and neither would make peace without the consent of the other. The United States was to have a free hand with British possessions on the Continent of North America, while France might do as she pleased with the British West Indies. Thus, in the first game of American diplomacy, old-world hatred was trumps, and Doctor Franklin played the ace.

The treaties arrived in America shortly ahead of the Carlisle commission, and were ratified in May. The next month England and France began hostilities without a declaration of war. For

the United States the alliance meant independence; for France, eventual bankruptcy and revolution.

The failure of Spain to join France in signing treaties with the United States in 1778 was not because of any kindly feeling for Britain. She hated the British with poignant bitterness. It was England that had humbled once mighty Spain; England that had held the rock of Gibraltar since 1704—a constant reminder of Spanish weakness. Besides, England had taken Minorca and Florida, and still carried on illegal trade with Spanish colonial ports. But if revenge were as sweet to haughty dons as to proud Frenchmen, the Spanish government shrank from the thought of giving encouragement to rebels against monarchical government. Spain had many subjects in her colonial empire who might become inoculated with dangerous ideas; moreover that same empire was highly vulnerable and might be victimized by an independent and lusty young American republic. Far better for the future of Spanish America that the United States be kept east of the Appalachians. *Spain hesitates*

Yet Spain did not pass up the opportunity for revenge. First she proposed mediation between England and France under such terms as she hoped would induce England to buy Spanish peace. England refused—she had no bribes to offer decrepit old Spain. Then in a fit of anger Charles III joined France in a new alliance (Convention of Aranjuez, April 12, 1779) and a declaration of war. By its terms the two were bound to fight together until Gibraltar was restored to Spain. Various other desirable but not obligatory conquests, such as Florida and Minorca for Spain and Newfoundland for France, were stipulated. *Franco-Spanish alliance*

By the Franco-American alliance the United States was bound to fight until France was willing to quit; and France was bound to fight until Spain had recovered Gibraltar. Thus the Americans were "chained to Gibraltar" without knowing it, for France did not divulge the terms of the Spanish treaty to the United States. Spain had no love for the Americans, refused to recognize their independence, and made life well-nigh unbearable for John Jay who was sent to secure loans and, if possible, treaties of alliance and amity and commerce; but an additional enemy for Britain brought independence perceptibly nearer the United States.

*The "Armed  
Neutrality"*

Indeed, by 1780, the British Lion was a wounded animal at bay. Lesser countries, like jackals emboldened by the prospect of a kill, challenged her position on the ocean by organizing the "Armed Neutrality." The original members of this league were Russia, Denmark, and Sweden. Catherine II of Russia took the lead in proclaiming certain advanced rules respecting the freedom of the seas—rules which, they announced, would be defended by arms.<sup>1</sup> As a military force the effect of the Armed Neutrality was slight, but it did tend to dishearten Britain and encourage her enemies. Various other countries soon gave formal adherence. The government of the Netherlands delayed, and was caught by a British declaration of war; for England preferred to have the Dutch as an enemy rather than a neutral.

*Holland*

The Dutch had taken advantage of the war to develop a splendid carrying trade—the largest in Europe. Until France became an ally, the neutrality of Holland was the chief foreign asset of the United States. The Dutch allowed American privateers to use their ports, and they took over most of the foreign commerce of France. Dutch vessels transported to the West Indies most of the supplies so indispensable for the continuance of the war. The tiny Dutch Island of St. Eustatius became the principal depot for transshipment. During one thirteen-month period (1778–1779), 3182 vessels made port there. In order to break up this trade, as well as that in naval supplies from Holland to France, England found an excuse for declaring war in December, 1780.<sup>2</sup> Thus practically all Europe was either drawn into the war against Britain or else was belligerently neutral.

St. Eustatius learned of the war when Admiral Rodney arrived with a strong fleet. While he busied himself with the pleasant task

<sup>1</sup> These rules were: (1) neutral vessels might engage in the coastal trade of belligerents, (2) enemy goods, if not contraband, were free from capture on neutral ships ("free ships free goods"), (3) a limited contraband, and (4) no paper blockades. The origin of the rules has been traced to a Danish university professor.

<sup>2</sup> Henry Laurens, on a diplomatic mission to Holland, carried the draft of a treaty which had been signed by an unauthorized agent of Amsterdam. Intercepted by a British cruiser, Laurens threw his papers overboard, but they refused to sink. The papers went to the ministry, and Laurens to the Tower of London. Charging Holland with having made a secret treaty with her colonies, Britain declared war, December 20, 1780. On November 18 the Dutch government had voted to join the Armed Neutrality, but her adherence was not ratified at St. Petersburg until January 4, 1781.

of confiscating the rich booty, the French fleet under Admiral de Grasse slipped away to Yorktown and made possible the bagging of Cornwallis. However the last inning was Rodney's, for in April 1782, in the battle of *the Saints* near Martinique, he inflicted a crushing defeat upon de Grasse, and reestablished British naval supremacy. But this takes us well ahead of our story.

There was rejoicing at Valley Forge in the spring of 1778 when the news of the French alliance arrived. The winter had been hard. From necessity, men had labored as draft animals to bring in firewood because the horses were so weakened by insufficient forage that many died. Smallpox and camp fever were rampant; the sick lay on the frozen ground without blankets, and many of the well were half naked, or worse, and barefoot against the cold. Yet shoes and clothing would have been available but for the failure of transportation, and the neglect of the Continental Congress and commissary officers. They, too, had their difficulties. Heavy snows blocked the movement of food and supplies, and during a January thaw hundreds of wagons stuck in the mud and were abandoned. Many hundreds of war-weary Continentals went home or deserted to the British in Philadelphia. While Washington struggled to relieve the hunger of his men, some members of Congress (then at York) debated his removal because of inaction,<sup>1</sup> and at Philadelphia Howe enjoyed a gay season in the midst of plenty. British gold worked magic among people supposedly thirsting for freedom from the British yoke.

In the spring Sir Henry Clinton succeeded Howe in supreme command. Howe's heart was never in his work of waging war against Americans, and he had asked to be relieved.<sup>2</sup> Clinton had orders to concentrate forces in New York in preparation for the season's campaign. Washington followed the British as they ad-

<sup>1</sup> It is still the belief of some outstanding scholars of the Revolution that the winter of 1777-1778 marked the culmination of efforts on the part of New England's representatives in Congress to remove Washington. The "Conway Cabal" the movement is called, after Thomas Conway, a French officer in American service who was guilty, at least, of serious indiscretion. Washington had his outspoken critics, but recent scholarship seriously questions whether the Conway Cabal was not actually a myth.

<sup>2</sup> Philadelphia bade farewell to Howe in the form of a medieval tournament in which knights broke lances for fair ladies. Major André and Margaret Shippen were leaders in the gay festival. Miss Shippen later married Benedict Arnold, and André was executed as a spy.

*Valley Forge*

*Clinton  
succeeds  
Howe*

vanced across New Jersey, missing a possible victory at Monmouth (June 28) because of cowardice or treachery on the part of Charles Lee, recently exchanged by the British. Clinton succeeded in retiring to New York while Washington hovered in the background. The battle of Monmouth was the last important engagement fought in the North.

*A French  
fleet arrives*

In July 1778 Admiral Comte d'Estaing, with a fleet larger than Lord Howe's, arrived off New York. It was the first direct aid from France, and hopes ran high among Patriots. Washington was prepared to cooperate with d'Estaing; Howe's fleet would surely be beaten, and the army of Clinton would be forced to surrender. But d'Estaing lost his nerve and sailed away to Newport, the other British base. Washington then sent Greene to cooperate with Sullivan at Newport. Again prospects brightened, but they proved short lived. Early in August Howe arrived, and d'Estaing put out to sea to engage him, only to have his ships scattered by a great storm. He then withdrew to Boston to refit. Thus the summer was wasted, and Americans were thoroughly disgusted. Feeling between American and French soldiers ran so high that Boston was treated to the spectacle of duels and murderous fights. Having refitted, the French fleet sailed away to the West Indies to seize British islands. Temporarily the French alliance was under a cloud.

*War on the  
frontier*

In the year of 1778 the Americans could claim only one successful campaign, that of George Rogers Clark into the Northwest. It was authorized by Virginia alone, and greatly strengthened her claims to the region; but, so far as is positively known, this daring enterprise had no appreciable effect on the outcome of the war. If the peace commissioners (1782-1783) gave any consideration to Clark's exploits no record was made of it.<sup>1</sup>

Before sketching this campaign, however, it is well that we note briefly the terrible impact of war upon the frontier, where in high probability more lives were lost than in all the formal military campaigns of the entire struggle. At the beginning of hostilities both the British and colonists sought Indian aid. Making a de-

<sup>1</sup> Many years afterward, a letter (dated July 6, 1779) written to Franklin by a Frenchman who had been in America and telling of Clark's exploits was found in Franklin's papers.

cision was relatively easy for the red men. With long memories for wrongs sustained at the hands of frontiersmen—with fear of the steady advance of settlers in spite of King's proclamation or any resistance they could offer—they were glad enough for the opportunity to settle some old accounts in blood. Lord Dunmore's War (1774) made the tribes of the Ohio especially eager for revenge. So during the war British officials, traders, and half-breeds roused the Indians to burn and bring in scalps (both male and female); renegade white men joined the red, and savage butchery in the light of many a burning cabin splashed the forests with crimson in lonely spots from New York to Georgia.

The British had undisputed control over the region northwest of the Ohio, and from Detroit the amiable lieutenant-governor of Quebec, Colonel Henry Hamilton, directed unnumbered Indian raids, encouraging attacks upon exposed settlements by lavish gifts. Frontiersmen swore that he offered rewards for scalps—"The Hair Buyer" he is still called. *Colonel Hamilton*

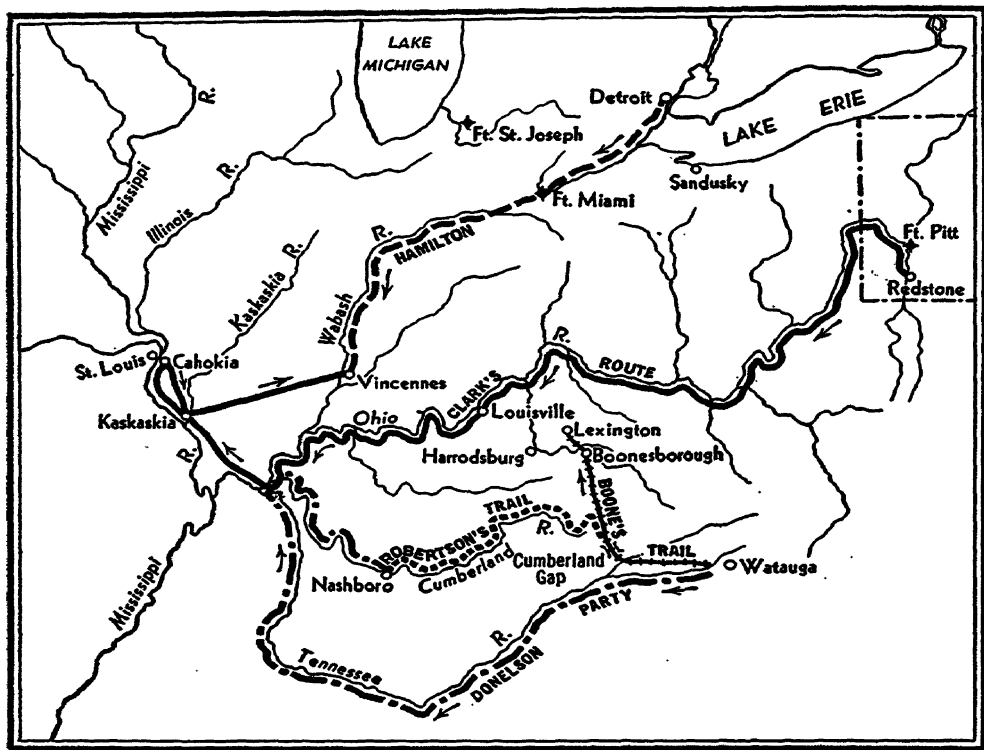
The settlements of Kentucky suffered so acutely that those who survived were considering complete withdrawal when the youthful Clark undertook to provide protection by taking war into the Indian country. His plan was to seize the old French towns of the lower Ohio, particularly Kaskaskia, Cahokia, and Vincennes, where British officers and traders encouraged the Indians, then if possible drive on to Detroit. Making the long, hard trip to Williamsburg in the autumn of 1777, he secured the hearty support of Jefferson, George Mason, and George Wythe, and a commission from Governor Patrick Henry to raise troops for the expedition. Because secrecy was necessary for the success of the plan, the legislature was allowed to understand only that Kentucky was to be protected. *George Rogers Clark*

In the spring of 1778 Clark descended the Ohio from Pittsburgh and was joined by some hard-pressed Kentuckians. Leaving the Ohio near the mouth of the Cumberland, he led 175 men overland to Kaskaskia, which was taken completely by surprise, and without a blow, July 4, 1778. The other towns, including Vincennes, were easily persuaded to capitulate.

When Hamilton at Detroit heard what had happened he bestirred himself for a counterstroke, and in October started south- *Vincennes*



ward with a motley collection of regulars, volunteers, and Indians. A few days before Christmas he easily retook Vincennes, dismissed his Indian allies, and settled down for the winter. Clark did not wait to be attacked. With about 100 men he crossed the



#### THE REVOLUTION IN THE WEST

intervening "drowned" lands, enduring hardships hardly surpassed in fiction. Once more (February 24, 1779), and for the last time, Vincennes changed hands, and Hamilton was packed off to Williamsburg and placed in chains. Clark was never able to muster sufficient forces to capture Detroit, but he performed a great service in checking British and Indian operations in the West, and he saved the Kentucky settlements. Perhaps even more significantly, he wrecked Hamilton's plans for the spring of 1779 of using Indian allies to capture Pittsburgh and join British

forces in the East to separate the northern colonies from the southern.<sup>1</sup>

In the final outcome, naval power proved the decisive factor in the war; but it was the French navy that did the trick, and that late in the conflict. The Congress laid the foundations for a navy in October 1775 when it authorized the purchase of two vessels. Over seventy vessels were fitted out during the course of the war, but after the French navy was brought into action Congress permitted the Continental Navy to decline. In 1781 only three public cruisers were in service. All the states except Delaware and New Jersey had navies of some variety, but their activities were confined almost exclusively to ineffectual coast defense. Many times more numerous than all else were the privateers commissioned by Congress and the states. New England sent out most of them, and her citizens reaped handsome profits from their activities. By December 1776 it is estimated that 10,000 "Yankees" were serving on privateers—so many in fact that some naval vessels were lying idle because sailors could not be secured to man them. The prospect of seizing British merchant ships was so enticing that many a seaman's interest in the war was lost in lust for booty, for every man received the percentage to which his rank entitled him. During the entire war 1500 or more privateers were commissioned, and they took some 600 prizes, worth \$18,000,000. The Continental navy is credited with a third as many captures. French "secret" assistance included the use of her ports as bases for the fitting out and operation of privateers in spite of all Britain's protests and threats.

*The  
American  
navy*

*Privateers*

A few stirring naval engagements were fought by gallant commanders like John Barry and Joshua Barney. Barry was an Irishman who came to America in 1760. Barney was a Marylander who at the age of fifteen took command of a vessel (January 1775) when his captain died on a voyage to the Mediterranean. It was the real beginning of a long and successful career. But the peer of

<sup>1</sup> Embittered by the failure of Virginia and the central government to reimburse him for expenses incurred in the Illinois campaign, Clark's subsequent years were damaging to his reputation. A later generation paid tribute to his Revolutionary services by erecting at Vincennes a \$2,500,000 memorial, which was dedicated in June 1936.

them all was the Scotsman, John Paul Jones. At the age of nineteen John Paul was first mate on a slaver. Master of a vessel six years later, he killed a ringleader of his mutinous crew and came to Virginia (1773), adding the name "Jones." In 1775 he was commissioned a lieutenant in the infant Continental navy. Two years later, having shown his mettle, he was given command of the sloop *Ranger*, and bore the news of Burgoyne's surrender to France.

*Jones in  
English  
waters*

In 1778, when Clark was taking war into the Indian country, Jones invaded the Irish sea from his base in France and raided Scotland in an attempt to capture an earl to hold as hostage for the treatment of American prisoners. The following year he again put out from France, this time with the *Bonhomme Richard* (a decrepit forty-two-gun ex-Indiaman renamed in honor of Benjamin Franklin) and four smaller vessels. Rounding Scotland to the east coast of England, he had taken seventeen ships when he sighted (September 23, 1779) a great merchant fleet under convoy of two men of war. The *Bonhomme Richard* quickly engaged the newly commissioned *Serapis*. Lashing the vessels together, and manning the pumps to avoid sinking, Jones continued the fight long after he was beaten by all the rules of the game. The *Serapis* surrendered after one of the bloodiest battles in the annals of the sea. The *Bonhomme Richard* was on fire and had six feet of water in the hold. The next day it sank. Jones' activities maddened Englishmen and contributed to the greatly enhanced cost of marine insurance, but the war was lost and won on other fronts.

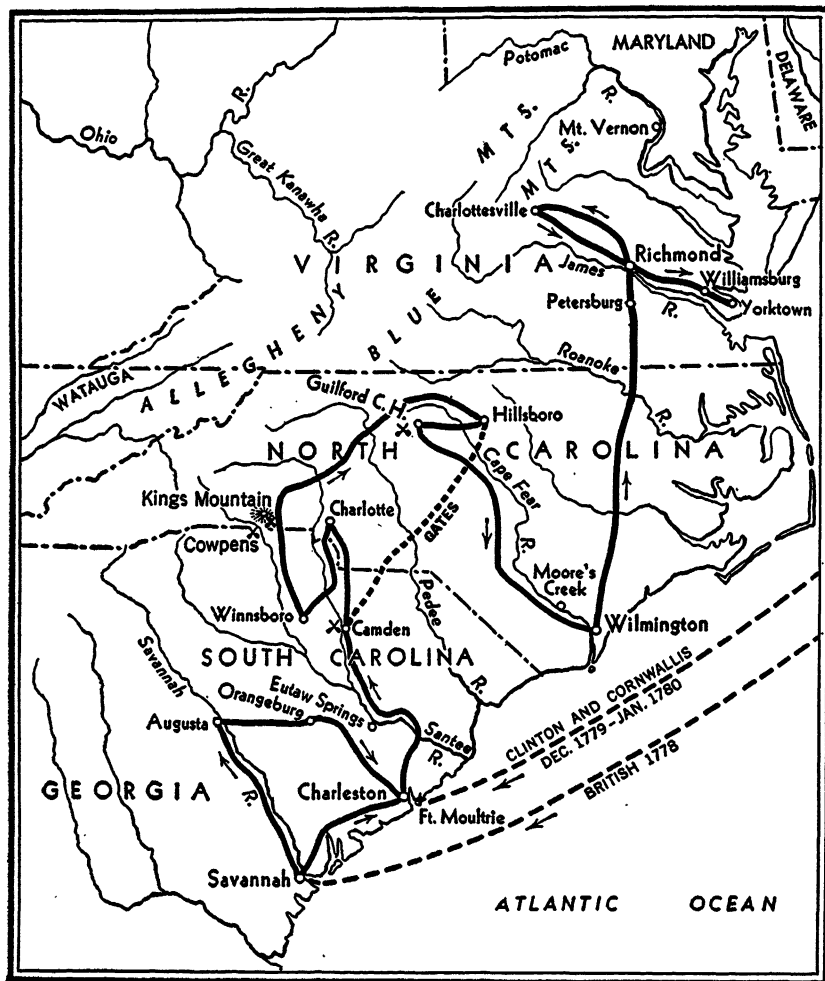
*War in the  
South,  
1778-80*

The war in America slowed down after France entered. As her enemies closed in, Britain turned her resources more and more to other parts of the world, while Washington had more difficulty than ever in maintaining an army in the face of the prevailing disposition to let France do the fighting. Meanwhile, because of the many Loyalists in the South, the British decided to establish bases there, crush opposition in the Carolinas, and advance northward. Already (December 1778) Savannah had been taken, and all Georgia quickly brought under British control. An American effort to recapture Savannah with the help of d'Estaing's fleet from the West Indies failed in the fall of 1779, and again the allies indulged in bitter recrimination. D'Estaing sailed away to Europe. In late December 1779 Clinton and Cornwallis sailed for Charles-

ton. Washington remained in the North to defend the Hudson, but sent to the South all the troops he could spare. In May 1780, after a stubborn but futile resistance, General Benjamin Lincoln surrendered his entire army and Charleston to the British. South Carolina appeared lost, although Thomas Sumter, Andrew Pickens, and Francis Marion, the "old swamp fox," maintained opposition that was never crushed. Bloody guerrilla warfare flamed through the Carolinas.

In an effort to recover lost ground, Congress sent Gates (his Saratoga laurels still fresh) to command southern forces. The armies of Gates and Cornwallis met at Camden on August 16 when each attempted to surprise the other. Gates' militia fled like sheep, his regulars were cut to pieces, and Baron de Kalb was mortally wounded. Gates seems not to have delayed departure. At any rate he reported the battle on the evening of the same day from Charlotte, North Carolina, seventy miles away. His army career was finished. *Camden*

Cornwallis then prepared to invade North Carolina, sending Major Patrick Ferguson ahead to recruit Loyalists. This roused the Watauga settlers who in October 1780 attacked Ferguson on King's Mountain, a position that officer deemed so strong that "all the rebels outside of hell" could not dislodge him. In an engagement characterized by frontier savagery, the "rebels" killed or captured Ferguson's entire command. Manifestly the British could not count heavily on back-country support. Cornwallis' advance in North Carolina was thereby retarded, giving Nathanael Greene, who succeeded Gates, precious time to organize his forces. Serving under Greene were "Light Horse Harry" Lee, with his famous cavalry, and the resourceful Daniel Morgan who had performed so splendidly at Quebec and Saratoga. It was Morgan who, in the battle of the Cowpens (January 1781), administered the first defeat to the dreaded Colonel Banastre Tarleton. Greene himself lured Cornwallis northward, finally turning and risking battle at Guilford Court House, March 15, 1781. He had twice as many men as the British, but two-thirds of them were militia. After one of the hardest fought battles of the war Cornwallis won the field, but his forces had been so much reduced by the campaign that he retired to Wilmington. Once more military operations *King's Mountain and the Cowpens*



SOUTHERN CAMPAIGNS

distant from a coastal base had failed; again the inhabitants proved that the British could hold nothing that their troops did not actually occupy.

*The nadir of the war* For the Patriot cause the winter of 1780-1781 was the most discouraging period of the war. Continental currency dropped to two cents on the dollar, Washington was able to secure food and clothing for his small army only through the greatest exertion,

some regiments mutinied, and Congress wrangled. In July 1780 the Comte de Rochambeau with a French force of some 5000 men had at last arrived at Newport; but, because the indispensable fleet did not come, the army did nothing for a year except enrich the neighborhood with French gold. In a conference with Rochambeau in September 1780, Washington suffered the humiliation of disclosing the extremities to which he had been reduced: "no magazines, nor money to form them; and in a little time we shall have no men. . . ." Indicative of other troubles which the sorely beset commander had to face was the withdrawal of the vain and petty Alexander Hamilton from Washington's staff because of a slight reprimand.

The climax of Washington's discouragement was the treason of Benedict Arnold. Arnold performed brilliantly from the beginning of the war to Saratoga, but was repeatedly slighted by Congress. Washington sympathized with him and did all possible to reward him for his great services. After the British retreat from Philadelphia Arnold was given the command at that place. He lived extravagantly, married the charming Miss Shippen, and fell heavily into debt. His enemies pursued him so bitterly that he demanded a court martial, which cleared him of all except some trivial charges. Nevertheless the court ordered a public reprimand from Washington. Meanwhile, beginning in the summer of 1779, he turned informer, supplying Clinton with knowledge concerning American movements.<sup>1</sup> Then (July 1780) he asked for the command at West Point, a highly important position controlling the Hudson, in order that he might surrender it to the British. Still unsuspecting, Washington granted the request. With Major John André, Clinton's adjutant general, Arnold made the final plans on September 23, 1780. Two days later André, bearing the incriminating documents, was captured within the American lines. He was hanged as a spy after Washington offered to exchange him for Arnold. Arnold escaped, living to become thoroughly hated as well as despised.

*Arnold's  
treason*

Even before Cornwallis retreated to Wilmington, it appeared

<sup>1</sup> That Arnold deliberately turned traitor for the money that was in it, rather than because of slights and criticisms, has been well established. Also that his wife urged him to such a course.

*Yorktown  
campaign*

that Virginia must be brought under control if the British were to dominate the South. Cornwallis accordingly marched northward in April 1781. Already in Virginia was the traitor, Benedict Arnold, busily raiding and burning. Joining forces with him, Cornwallis set forth to capture Lafayette's small army which had been detached by Washington to defend Virginia. But "the boy" eluded the British until Cornwallis, tired of the chase and fearful of the growing opposition, took the strong position of Yorktown in early August. It was a splendid base for naval cooperation; but in the outcome it was the French navy, instead of the British, which dominated the Chesapeake at the crucial juncture of events.

Rochambeau believed that without naval supremacy nothing could be accomplished. Washington, of similar mind, wished to concentrate forces against Clinton at New York. But Admiral de Grasse favored the Chesapeake, and in late August 1781 arrived there from the West Indies with a great fleet and about 4000 troops. Meanwhile Washington and Rochambeau were carrying out their part of the splendidly coordinated movements which, for timing under extreme obstacles, make the Yorktown campaign one of rare brilliance. Rochambeau, from his base at Newport, had joined Washington on the Hudson in July; then, learning that de Grasse would not advance beyond the Chesapeake, they threw Clinton off the scent, and together advanced across New Jersey. By the end of September their forces joined Lafayette and began the siege of Yorktown. The combined French and American troops numbered about 16,000. Cornwallis had only half as many, and his position already had become precarious because de Grasse, in the Battle of the Capes (September 5), defeated and turned back the smaller British fleet under Admiral Graves which had been sent from New York. Thereafter Cornwallis was cut off from the sea, the one source from which help was possible. At New York, Clinton was bestirring himself to send relief. But the fleet with troops which he finally assembled did not sail until the 19th of October. On that same day Cornwallis surrendered his entire army. Fighting in the United States thereafter was of little consequence.

*Cornwallis  
surrenders*

Thus by a strange coincidence Britain's control over her old colonies received the death blow on the same peninsula, and only

a few miles from Jamestown, where British dominion in America began.

The news of Yorktown was a stunning blow to Lord North. "Oh, God! it is all over," he exclaimed again and again under great emotional stress. He had grown weary of his hard position, what with the continual charges of corruption and of inefficiency among his ministers, and, since Burgoyne's defeat, had repeatedly threatened to resign. This time the King could not dissuade him, even by a threat of abdication; North would brave the opposition in Parliament no longer. So the King's game of personal rule was played out, and in March 1782 Rockingham was called to form a ministry.

*Lord North  
resigns*

Rockingham had had previous experience as "pinch hitter" in the hour of Britain's embarrassment, for it was he who had taken the responsibility for the repeal of the Stamp Act. He called old friends of the colonies into a rather shaky coalition cabinet which included Charles James Fox, Secretary for Foreign Affairs, Lord Shelburne, Secretary for Home Affairs (which included colonial affairs), and others. Fox and Shelburne were bitter rivals—the ministry hung together for only a short time—but with the purpose of salvaging as much as possible of the empire, both undertook negotiations for the termination of the war.

*New  
ministry:  
Fox and  
Shelburne*

The American Congress was more than willing. Indeed as early as September 1779 John Adams had been appointed sole minister plenipotentiary for the purpose of negotiating if possible a treaty of peace. Greatly elated over this signal honor, Adams went to Paris where he succeeded in making himself decidedly disagreeable. French morals failed to satisfy his puritanical standards, nor was he reticent about saying so. Disapproving the harmless conduct of Franklin, he observed that no man would be pleasing at the French court "who is not depraved in his morals." But with all his conceit, Adams was able and forthright. It was he who introduced "shirt-sleeves diplomacy" to the fetid atmosphere of Europe—"militia diplomacy," he called it; for, as he said, the militia "sometimes gains victories over regular troops, even by departing from the rules."

*Adams'  
mission*

Prior to Cornwallis' surrender, it is doubtful whether American diplomacy of any variety could have secured more for the



*Change in  
American  
prospects*

United States than some sort of a self-governing status within the empire, together with such territory, only, as their armies possessed. Even after Yorktown the British still held New York, Charleston, and Savannah. Moreover Austria and Russia, like Spain in 1779, and for similar selfish reasons, were proposing mediation; and Vergennes, in the spring of 1781, was prepared to accept peace on that basis, thus sacrificing American interests. Cornwallis' surrender and the fall of North's ministry radically changed the international setting to the advantage of the United States.

*Treaty with  
Holland*

Vergennes could not control Adams, and quarreled with him. The atmosphere in Paris was measurably improved in the summer of 1780 when Congress sent the New Englander to the Netherlands. The solid qualities of the Dutch were much more to his liking, but not until April 1782 could he induce their government to recognize the independence of the United States. A loan followed, then finally (October 8, 1782) he was able to sign a treaty of amity and commerce. The result of Adams' labors was to make the United States less dependent on France and to inaugurate financial assistance which probably prevented bankruptcy in America during the troublous years following the war. "Sir," he confided to his diary, "you have struck the greatest blow in the American cause, and the most decisive."

*American  
Peace  
Commission*

Meanwhile, to his great humiliation, Adams had ceased to be sole negotiator of peace. In June 1781, Franklin, John Jay, Jefferson, and Henry Laurens were appointed commissioners of peace jointly with Adams. Their instructions from Congress, which acted in accordance with the wishes of La Luzerne (French minister to the United States), directed them to undertake nothing without the advice and concurrence of the French. Independence was the one indispensable condition of peace. Thus Congress entrusted the future of the United States to the disposition of an ally which was not unwilling to sacrifice American interests to the exigencies of European politics.

*Negotiations  
begin at  
Paris*

In April 1782, when conversations were opened in Paris by Richard Oswald, agent of Lord Shelburne, Franklin was the only member of the American commission present. Jefferson did not leave America, Jay did not arrive until later, and Laurens was in

the Tower of London until shortly before the signing of the preliminary articles of peace. Oswald himself, like Adams, was something of a "militia diplomat." He had made a fortune as a slave merchant and army contractor, and was an old friend of Franklin. With remarkable frankness the elderly Scotsman made Shelburne's eager desire for peace so apparent that Franklin's suggestion of independence and the cession of Canada as desirable conditions of peace did not shake Oswald's complacency. Shelburne was prepared to grant much for peace, but there is no clear evidence that he was willing to sacrifice Canada to secure it. Anyhow British fortunes soon improved, and with them a noticeable stiffening at London. In April 1782 Rodney crushed de Grasse in the Battle of the Saints, regaining supremacy of the seas for Britain, and Gibraltar was still holding out against a joint French and Spanish attack.

In June 1782, after a hard trip punctuated by "fleas and bugs," Jay arrived at Paris from Madrid. His natural suspicion had been sharpened measurably by his experiences in Spain, where he had cooled his heels for thirty months. After Spain entered the war the American Congress had hoped to secure recognition of independence and treaties of alliance and of amity and commerce, as in the case of France; but the Spanish government would neither recognize independence (unless the Americans would surrender claims to the right of navigating the Mississippi) nor sign treaties. Jay got nothing except a small loan and abundant proof of Spanish unfriendliness. Arriving in Paris, Jay became suspicious of Shelburne (Prime Minister after the death of Rockingham, July 1) because Oswald's instructions did not concede independence as a preliminary to negotiations. He was suspicious, too, of Vergennes who, Jay rightly believed, was supporting Spanish claims to the region west of the Alleghenies. Vergennes' private secretary, Rayneval, actually set in writing the proposition that everything west of the mountains and south of the Ohio be reserved for the Indians, while that north of the river be left to the British. Vergennes hoped thus to buy Spanish consent to peace without the recovery of Gibraltar. Hard on the heels of this disturbing proposal, Rayneval went to London on a secret mission. Fully aroused, and without consulting Franklin, Jay sent his own agent

*Jay's  
suspicions*

to urge Shelburne to make the desired change in Oswald's instructions in order to start negotiations at once.

*Preliminary  
articles,  
November  
30, 1782*

To Shelburne it was clearly evident that the allies were not working in harmony, and he hastened to drive the wedge deeper: Oswald should recognize American independence in the first article of the treaty. Accordingly separate negotiations were started in Paris in late September. Adams soon arrived from Holland, and warmly supported Jay's course; Franklin, outvoted by the others, easily fell into line, and on November 30, 1782, a preliminary treaty was signed. It would not go into effect, however, until peace was made between England and France. Thus the letter of the Franco-American alliance was not broken, although the spirit was badly strained. On the other hand, the instructions from Congress were expressly violated—commendably so, as many historians now believe. Jay did not have proof, as we do, that Vergennes was attempting to fulfill his obligations to Spain at the expense of the United States; but, under the circumstances, he and his associates would have been culpable if they had not used their best judgment in serving their country's interests. Months of unavoidable, perhaps disastrous, delay would have attended reports from Paris on new developments and the forwarding of new instructions. The diplomatic triumph of Jay, Franklin, and Adams—the greatest in American history—was achieved because they boldly assumed responsibility and took advantage of old-world distresses.

*Ethics of  
separate  
peace*

On the day before the signing of the preliminary treaty, the Americans notified Vergennes of their purpose. That minister seems not to have cared greatly—indeed he must have known through his numerous spies what was happening—but he reproved them for their conduct, whereupon Franklin cleverly pointed out the patent fact that France could not afford to permit the English to understand that the allies were at loggerheads. In the same letter he asked for another loan for the United States—and got it! France still had to make peace with England and Spain.

*Final treaty  
of peace,  
September 3,  
1783*

Although the preliminary articles of peace were completed November 30, 1782, an armistice did not go into effect until the twentieth of the following January—the same day that Spain and France signed preliminary articles with England. The definitive

treaty was not signed until September 3, 1783, at which time France and Spain also signed their final treaties. The terms of this final treaty were practically the same as those of the preliminary articles. The independence of the thirteen United States was recognized (Article I), and a splendid domain was granted (Article II), extending westward to the Mississippi, and from the present Canadian boundary (finally agreed upon in 1842) to Florida along the thirty-first parallel.<sup>1</sup> Jay was responsible for a secret article in the preliminary treaty which was destined to cause trouble in Spanish-American relations. Because he preferred that Britain, rather than Spain, should possess Florida, it was stipulated that if the former should retain that territory when the final peace was made, the southern boundary of the United States should be the line of  $32^{\circ} 28'$ , eastward from the mouth of the Yazoo River (Vicksburg) to the Chattahoochee, rather than  $31^{\circ}$ . Actually, Britain returned Florida to Spain in order to keep Gibraltar, and the secret article was dropped.

Because of the stubborn insistence of Adams, the United States secured (Article III) the "liberty" rather than the right to fish in Canadian inshore waters. Even so, it was a great British concession. Because of the many unpaid debts owed by Americans to British merchants, it was necessary to provide (Article IV) that creditors should "meet with no lawful impediment" in the recovery of debts. Most difficult of all was the problem of the Loyalists. So bitter was American hatred for them that even the mellow Franklin had been guilty of aiding the circulation of untruthful atrocity stories. On the other hand, the British government had no notion of sacrificing entirely the property interests of the thousands who had remained loyal to the empire. In the outcome, because of the unchangeable stubbornness of the American commission, Britain had to be content with the ineffectual provision (Article V) that "Congress shall earnestly recommend" to the states restitution of confiscated Loyalist property.

Thus Old England in 1782-1783, tired of war, eager to separate the United States from France, and desirous of reestablishing

<sup>1</sup> The American commissioners offered to take a northern boundary either along the forty-fifth parallel from the Connecticut River to the Mississippi, or the present line of rivers and lakes. Shelburne chose the latter.

commerce on a friendly basis, granted more generous terms than American military successes warranted. In England, Shelburne's ministry could not stand before the wave of criticism; in America there was such a dearth of enthusiasm for the final attainment of national status that only with difficulty were enough members secured in Congress to ratify the treaty of peace, January 14, 1784.

Independence had been won. Could it be kept? For several years after the last of the British fleet left New York, in November 1783, the outcome remained uncertain.

## Chapter Twelve

### POLITICAL AND SOCIAL READJUSTMENT 1776-1787

THE TREATY OF PARIS which Patriots joyfully welcomed in 1783, and which marked the birth of a new republic, was no guarantee that the United States could long endure as an independent member of the family of nations. Indeed, so doubtful was the American union—first proclaimed in 1776, and cemented after a fashion by the Articles of Confederation, adopted in 1781—that the treaty of peace was made with the thirteen, carefully named, “free, sovereign and independent States,” rather than with the United States of America. The success of the Union would depend upon the degree to which these states could be persuaded to limit their individual sovereign rights, no less than upon the exigencies of European rivalries.

The struggle with England, culminating in independence, marks the course of the *external* revolution. The transformation of the old colonies into states, during these same years, clearly shows the impact of an *internal* revolution. Other manifestations—such as the effect of the war upon social classes, religious life, slavery, landholding, trade, and industry—were equally significant.

This transition from colony to commonwealth was greatly expedited by the flight of most royal officials, from governors to hangers-on, as soon as real fighting began. Loyalist members of colonial councils and assemblies quickly followed suit, leaving the field to their rivals. The dominant Patriots everywhere lost but little time in applying to their colonial governments the political ideas expressed in the Declaration of Independence. Actually the movement was well begun long before July 1776. As early as August 1774 the Virginia Assembly gave warning of what might follow by meeting illegally as the First Virginia Convention, and by autumn of the same year Massachusetts set up a

*From colony  
to common-  
wealth*

provisional government to deal with the situation presented by the Coercive Acts. With the outbreak of hostilities, such illegally constituted bodies everywhere did what they could toward solving the problems of raising revenue and troops and of maintaining order. But their revolutionary character alarmed the more conservative; nor could they in several colonies cope with the lawless element which took advantage of the unsettled conditions of the time. When the provincial convention of New Hampshire sought advice from Congress, that body recommended the election of representatives by the people of the colony for the purpose of setting up a government which would best serve their needs "during the present dispute between Great Britain and the colonies."

*New state  
constitutions*

New Hampshire acted promptly, adopting in January 1776 the first state constitution. South Carolina followed in March. Then Congress, moving rapidly toward a declaration of independence and no longer interested in temporary governments, adopted a resolution, May 10, 1776, recommending that the colonies set up governments best suited to "the happiness and safety of their constituents." The decision to take such action was reached in Virginia before the advice of Congress became known, and in June a permanent constitution was adopted. New Jersey took similar action three days later, and by the end of the year four others had fallen into line. Before July 1780 all the states except Connecticut and Rhode Island had adopted constitutions.<sup>1</sup> These two only slightly revamped the preambles of their liberal charters, which were essentially constitutions for self-governing provinces, and under them their governments functioned until 1818 and 1842 respectively.

*The written  
constitution*

These constitutions were all written, and were the practical American application of the theory of the "social compact," namely, that government originates in agreements among the people—the sole source of authority in America after royal rule was abolished—and must be given definite form through the medium of a written constitution, just as business contracts are written lest confusion result. Precedents for the written constitu-

<sup>1</sup> South Carolina in 1778 and New Hampshire in 1784 adopted second constitutions.

tion are found in agreements like the *Mayflower Compact* (not a constitution) and other similar covenants, and in colonial charters. Accustomed as they were to charters which set a limit on governmental powers, it was only natural that the colonists, when forming state constitutions, should demand written instruments which not only were binding upon the people, but which imposed limitations on the governing bodies as well.

Laboring under the confusion of war conditions, the task of putting theory into practice was complicated by the need for speed. The result was a considerable variation in procedure in the making of first constitutions. In New Jersey, Virginia, and South Carolina they were drawn and adopted in the same way that ordinary legislation might have been enacted. In all the others, as a concession to the popular will, some modification of this procedure was observed; but only in Massachusetts were the citizens of the state given the full participation which Americans in due time accepted as the only proper way to form and adopt a constitution. There the will of the people was determined before an election (by manhood suffrage) was held for choosing delegates to a constitutional convention. The convention then drafted a constitution which in turn was submitted to a popular referendum. The entire process was slow—four years were required—but the resulting constitution (largely the work of John Adams) was so well done that it is still in effect, although many times amended.

The constitutions were brief and strikingly similar. They showed the effect of democratic thought, but to a remarkable degree retained the ideas and form of government to which the colonists had been accustomed; and that form had been much the same in all the colonies, whether royal, proprietary, or corporate. Another explanation for this similarity is to be found in the fact that the colonists had enjoyed a large measure of self-government—they fought Britain to *prevent* a change in institutions they had long enjoyed, rather than to force a change—moreover the relatively few political leaders who drafted the constitutions were, in the main, rather conservative, college-educated men who placed their trust in devices tested by experience rather than in experiments.

*Similarity of  
constitutions*



*Bills of rights* Each constitution began with a declaration of political principles, or a "bill of rights." The Virginia Declaration of Rights, written for the most part by George Mason, was first, and served as a pattern for the others. Jefferson drew upon it for his Declaration of Independence, and it later served as a basis for the first amendments to the national Constitution. In this Declaration we read "that all men are by nature equally free and independent, and have certain inherent rights" including life and liberty. It stated, further, the principles of popular sovereignty, separation of legislative and executive powers, freedom of elections, speedy jury trial, no general search warrants, freedom of the press, a militia instead of a standing army, and religious freedom. Other states enlarged the list. The similarity with the English Declaration of Rights of 1689 is striking; indeed the older document was drawn upon by Americans who had long enjoyed the rights which they were proclaiming in their constitutions.

*Separation of powers* All the state constitutions made provision for the separation of legislative, executive, and judicial powers. The colonists well knew what had happened in England when the balance between King and Parliament had been upset by either, as, for example, in the time of the Long Parliament, or of James II. The interference with colonial rights (as Americans understood them) which produced the War for Independence was blamed upon George III and the dangerous ascendancy which he had won over Parliament.<sup>1</sup> Moreover, the colonists were long accustomed to the separation of powers represented in a governor and judiciary appointed by the King, and a popularly elected assembly. It was good colonial doctrine, therefore, that the execution of the laws should not be left to the body which enacted them, and that neither the executive nor the legislature should interpret them. However, in thus deliberately dividing powers among coordinate branches of government, "checks and balances" of some sort were provided lest one branch become too independent of the others.

*The governor* Partly for this reason, and partly because of unpleasant recollections of royal governors no less than the fear of future dictators, the powers of the executive, except in New York and Massachu-

<sup>1</sup> Although suffering a setback under George III, the evolution of a sovereign Parliament was already well begun.

setts, were drastically curtailed by the new constitutions. In ten states the governor was elected for one year only; in New England by popular vote, and in the others by the legislature. Only in Massachusetts could he exercise the veto power, and even there the veto could be overridden by a two-thirds vote of both houses. Commenting on the limitations imposed upon the governor of North Carolina, a contemporary declared that his only power was "to sign a receipt for his salary." Pennsylvania for a time tried a plural executive in the form of a council of thirteen, which could in no way restrain the legislature. Both Pennsylvania and Georgia had one-house legislatures; the others had two. In general, therefore, the governor could check the legislature but slightly, and besides was removable through impeachment.

The judicial system was carried over from the colonies with little change. In Georgia the judges were to be chosen by popular election; in others, by the legislature or else appointed by the governor, usually with the consent of his council or the upper house. In seven states the tenure of judges was during good behavior. But whether they held office for a limited or an extended term, constitutional provisions reasonably safeguarded their independence. It is a matter of interest, as well as of great significance for subsequent history, that during the confederation period state courts in at least three cases refused to enforce statutes of the legislature as being unconstitutional.<sup>1</sup> The right to do so was challenged at the time, but the judges held their ground, thus laying down a precedent for judicial review; that is, the authority of the courts to inquire into the constitutionality of laws and to refuse to enforce those found to be in violation of the constitution. The state constitutions were silent on the matter, but the colonists were familiar with a similar practice in the case of colonial appeals to the King in Council. Thus the courts in actual practice were coming to exercise a check on the legislature. Conversely, judges were removable through impeachment.

Because the elected colonial assembly was the champion of popular interests before the Revolution, it was only natural that the powers of the legislature should be extended under the

*The  
judiciary*

*The  
legislature*

<sup>1</sup> *Holmes vs. Walton*, New Jersey, 1780; *Trevett vs. Weeden*, Rhode Island, 1786; *Bayard vs. Singleton*, North Carolina, 1787.

new constitutions. Apart from the general limitations set forth in the bills of rights, few restraints were imposed upon this depositary of popular faith; the checks and balances which limited the judiciary and reduced the governor to little more than a figure-head were slight. Nevertheless, frequent elections were considered necessary, lest the members forget who were their masters. In all states except South Carolina, where the term was two years, the lower house was elected annually.

*The  
franchise*

Considering the fact of revolt against monarchical government, together with the general emphasis placed upon the principles that "all men are created equal" and that government rests upon the consent of the governed, it might appear surprising that under practically all constitutions those who enjoyed the privilege of giving "consent" were property holders. This was a holdover from the colonial tradition relating taxation with representation. Another fairly general requirement was a religious test. Jews were commonly excluded, and in some states Catholics as well. For example, North Carolina and Georgia denied the ballot to all but Protestants; in Pennsylvania and South Carolina the enfranchised must believe in God and a hereafter of reward or punishment; in Delaware he must believe in the Trinity. By contrast, in Virginia and New York no discrimination was made on account of religious belief. Religious tests for officeholders were still more common, with property qualifications proportionately higher.

*The  
conservative  
influence*

Because, in outward appearance, the new governments functioned very much as the old, and upon much the same popular basis, the struggle encountered between the conservative and democratic forces in writing the constitutions might be overlooked as an index to the leveling spirit which was abroad in the land. In Massachusetts, New York, Maryland, Virginia, and South Carolina the conservatives were strong enough to keep control safely in their hands. For example, a voter in Massachusetts must have property worth £60, and for officeholders the requirements ranged upward to a £1000 freehold for the governor. In Virginia the colonial requirement for voting and office holding were not changed—anyone possessing fifty acres might vote, and land was "dirt cheap"—but each county, large or small, had two

members. Thus the aristocratic Tidewater continued its domination over the rapidly growing western counties. Most conservative of all was South Carolina. There not only did the apportionment of representatives leave control to the low country, but property requirements for office were so high that only the well-to-do could serve. A senator must own an estate worth £2000, while members of the council and the governor must have property worth five times more.

Georgia, North Carolina, and Pennsylvania represented the opposite extreme. In all three the radicals gained control and drew constitutions to their liking. In Pennsylvania, which had come under the domination of the western element after long years of strife, all taxpayers were given the right to vote, as well as the right to hold office without additional property qualifications. A further democratic note was the refusal to have either an upper house or a governor. In North Carolina every freeman might vote for assemblymen, although he must own fifty acres of land to vote for senators and meet property qualifications for holding office or sitting in the legislature.

*Radicals of  
1780*

While the thirteen colonies were busily transforming themselves into commonwealths, a similar movement was on foot in the trans-Appalachian West and in Vermont. Frontiersmen like those who defied King George's Proclamation of 1763 by settling in the Watauga, and by adopting an Association for their own government; who fought the Shawnee in Lord Dunmore's War, thus opening the upper Ohio and Kentucky to settlement; and who followed the swearing, swaggering, fearless Ethan Allen in Vermont, felt quite capable of doing some state making on their own account. In such an environment, made doubly hard by the dangers and uncertainties of war, the American capacity for carving out rude commonwealths and establishing an orderly plan of democratic government was never better shown.

*Western  
state making*

The prevailing disposition among trans-Appalachian settlers was to disregard the newly created eastern states which claimed jurisdiction over them. The Transylvania venture, it is true, had collapsed in 1776 when Kentucky was organized as a county of Virginia; moreover the desperate fortunes of Indian fighting during the earlier years of the Revolution had drawn the settlers

*Kentucky*

of this "dark and bloody ground" a bit closer to Virginia, for they needed all the protection she could offer. But the comparative safety resulting from George Rogers Clark's campaigning, together with the lure of the fertile "blue grass" region—the finest lands yet found in America—brought in a stream of home-seekers during the last years of the Revolution. Perhaps 25,000 settlers were in Kentucky when peace was made with England, and the bent of their spirit was toward self-government. They found several reasons for restiveness under Virginia's control, among which was the downright inconvenience of depending upon a government so distant as Richmond, and the inaccessibility of courts. Thus a new statehood movement resulted (1784) in the first of ten conventions before Kentucky, with Virginia's consent, became a member of the Union in 1792.

*Tennessee* Meanwhile frontiersmen in what eventually became the state of Tennessee were going their own way with little outside interference. The Watauga district, after a season of independence, was annexed by North Carolina as Washington County in 1777; but its most famous fling, as the "State of Franklin," lay yet a few years in the future.<sup>1</sup>

*Nashborough* From the Holston, near the Watauga, went the fearless little expeditions which founded Nashborough (Nashville) at the French Lick on the Cumberland in the winter of 1779–1780. The moving spirit in this venture which took frontiersmen 200 miles into Indian Country was Judge Henderson. Undaunted by failure in Transylvania, he turned to the portion of his Indian purchase ("treaty" of Sycamore Shoals) which lay south of the Virginia line. James Robertson, the earliest leader in Watauga and one of the finest of all American frontiersmen, with a few companions first made a journey of exploration into the Cumberland country. They planted a crop of corn and built log cabins near the French Lick in the spring of 1779. That autumn he led a small party of men through the Cumberland Gap and across the intervening country, arriving at the Lick on Christmas day. Another expedition, commanded by Colonel John Donelson, escorted the women and children by a flotilla of boats down the Tennessee. Smallpox and Indian attacks increased the hardships

<sup>1</sup> See Chapter XIII.

sustained, and the plan of crossing from the Tennessee to the Cumberland was abandoned. Instead, the party descended the river to the Ohio, then up the Cumberland to Nashborough—a distance of almost 1000 miles—arriving at last in the spring of 1780. A fearless little girl of this wilderness argosy was Rachel Donelson, the future wife of Andrew Jackson.

On May 13, 1780, 256 settlers signed the Cumberland Compact, establishing a government patterned after the Watauga Association. The sturdy souls who traveled so far to reach fair lands on the limpid Cumberland paid dearly for their rash courage. Indeed, until well into the 'nineties, the hardships of frontier life in Tennessee were augmented by Indian fighting which took the lives of probably one-third of all settlers. When the territory became a state in 1796, only a handful of the signers of the Compact remained alive, yet hardly any had died a natural death.

*The  
Cumberland  
Compact*

The history of Vermont, likewise a frontier of the Revolutionary period, well illustrates the capacity of bold opportunists for cutting through the complications of rival state claims in order to secure their own government. It shows also the powerful motivating influence of land hunger. Settlement in this beautiful region between the Connecticut and the Hudson was well begun by the close of the French and Indian War. Both New Hampshire and New York claimed jurisdiction over it, thus encouraging the hardy settlers to flout both and do as they pleased. The situation was not improved when (1764) the King recognized New York's title eastward to the Connecticut. During the Revolution the Green Mountain Boys fought with patriotic vigor, but their first leaders, Ethan Allen and his brothers Ira and Levi, headed a group which was primarily interested in setting up a separate state, and in validating their land titles. The Allens controlled a land company which claimed title to over 300,000 acres in Vermont—a princely domain which they were determined to defend at any cost.

*The Green  
Mountain  
Boys*

Thus, in defiance of Congress and everything else, the Allen party held a revolutionary convention (June 1777), adopted the most democratic constitution America had seen, erected the Republic of Vermont, and sought admission to the Union. The struggling Congress was deeply obligated to the Vermonters be-

*Republic of  
Vermont*

cause of their valiant services at Ticonderoga and Bennington, but it simply could not grant their request over the opposition of New York and New Hampshire. After serious conflict with both of these states the Allens opened negotiations (1780) with General Frederick Haldimand, who commanded at Quebec. These parleys continued intermittently to the end of the war. Until 1782 the most Vermont would offer was neutrality, while Haldimand strove for the reunion of the republic with Great Britain. Fearful lest they be suppressed at the end of the war, the Vermonters finally offered to accept reunion (1782), but Britain's military offensive in America already had been terminated, and no bargain was ever struck. Manifestly the principal objective of the Allen group was to retain its lands regardless of who won the war.

Until recently only a few of the worthy citizens of the Green Mountain State had knowledge of these intrigues. Throughout the Confederation period they went their independent way, snubbed by the helpless Congress. Not until 1791, after New York finally became gracious enough to surrender her claims, did Vermont enter the Union as the fourteenth state.

*The problem  
of central  
government*

While the states were working out their own constitutions, a parallel movement produced a constitution for the Union of Thirteen States. Here, as in the case of the state constitutions, the task was complicated by the circumstance of war—a setting that militated against the calm and deliberate judgment which the drafting would seem to demand. Moreover the states arrogated to themselves all rights of sovereignty and were but little inclined to heed the struggling Continental Congress. Many people accepted the then popular maxim that government is a necessary evil—the less the better—and, besides, local pride was so strong that it was considered a greater honor to be a citizen of a state than of a nation. After all, the Revolution was the result, in large measure, of Britain's attempt to establish a centralized control over the colonies. Why, having freed themselves from Parliamentary control over commerce and taxation, should the new states at once establish a new agency of centralized authority to exercise the same powers? But the emergencies of war—the need for defining the powers of the Continental Congress, which could not function indefinitely as an extralegal body deal-

ing with problems of armies, revenue, Indians, and commerce—compelled a reconciliation between fear and urgent need.

Few things make for unity at home so much as a common danger. At different times portions of the colonists had experienced some form of union, or attempted union. The New England Confederation of 1643 resulted from fear of Indians, the French, and the Dutch.<sup>1</sup> The Albany Plan of Union (1754) represented an attempt at concerted activity in combatting the French and Indian menace, but the colonies were not yet ready for the mild scheme of unitary control which it proposed. In subsequent years opposition to the mother country produced the Stamp Act Congress, followed by the first and second Continental Congresses. It was but a step from the extralegal Second Continental Congress to union under a basic law, but it was a hard step.

*Early steps  
toward union*

On the very day (June 7, 1776) that Congress, on the motion of Richard Henry Lee, appointed a committee to draft a declaration of independence, another motion by the same delegate called for a committee to draft some articles of confederation for the several states. A few days later a committee of one member from each state was chosen. John Dickinson of Pennsylvania was chairman and the guiding spirit. On July 12, soon after the adoption of the Declaration of Independence, the committee reported a set of Articles of Confederation providing for the establishment of a fairly strong central government.<sup>2</sup>

*The  
Articles of  
Confed-  
eration*

The plan was attacked by the group representing agrarian interests—chiefly Southern planters and small farmers who remembered how royal officials had supported British landholders and merchants. This group was determined to establish nothing which could play the old role of King and Parliament. Intermittent debate dragged as more pressing problems of war took precedence. Not until the surrender of Burgoyne had stimulated a new enthusiasm for union could the matter be brought to a final vote. On November 15, 1777, after considerable revision, the plan was adopted and submitted to the states with the understanding that

<sup>1</sup> The Dominion of New England (1680's) was imposed by the crown, and was so unpopular that it collapsed when James II, who created it, fled from his throne.

<sup>2</sup> In 1775 Franklin submitted his revised Albany Plan to Congress. Dickinson's committee used it as the basis for their report. Some of the important parts of the Articles are to be found word for word in Franklin's plan.



all must ratify before it would be the law of the land. Leading disputes in the debates centered on questions of the regulation of Indian affairs, of taxation, of the voting strength of states, and of the disposition of lands west of the Appalachians. It was this last-named problem, complicated as it was by the jealousy of the states which had no claims to western lands, which held up final ratification until March 1781, the last year of active fighting in the war; for Maryland, acting as spokesman for the landless states, would not join the formal union until she had assurance that the difficulty would be adjusted to her satisfaction.<sup>1</sup>

*States  
retain  
sovereignty*

Whether the Articles should be considered as a treaty or a gentleman's agreement, rather than a constitution, has been much debated. Certainly they represented a compromise between the need for central authority and determination on the part of states to surrender no more of their powers than was necessary. The preamble proclaimed a "perpetual Union" binding the states in "a firm league of friendship with each other." Article II provided that "Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled." Equality among the states was carefully guarded. In Congress each might have from two to seven delegates (chosen annually, and paid by the states—if at all) but only one vote. Rhode Island, therefore, enjoyed an equal voice with Virginia. All important legislation required the vote of nine states. An amendment to the Articles required approval of the legislatures of all thirteen.

*Congress  
under the  
Articles*

Unlike the state constitutions, the Articles made no provision for a separation of powers. The only agency of government expressly provided was a Congress of one house; there was neither a separate executive department nor a federal judiciary. Congress was left free to appoint committees and civil officers to discharge executive duties. A committee of Congress, composed of one delegate from each state, sat when the larger body was not in session. Before the end of the war three executive departments had been created, each with its own head: Robert Livingston, Secretary of Foreign Affairs; Robert Morris, Superintendent of

<sup>1</sup> See next chapter for discussion of the western land problem.

Finance; General Benjamin Lincoln, Secretary of War. Thus a cabinet system of government, like that of England, was in the making. What would have happened had the Articles of Confederation not been superseded by the Federal Constitution is a matter for interesting conjecture. The only suggestion of a judicial system was the provision that Congress might set up admiralty courts to try cases of piracy and felonies committed on the high seas. State courts were to hear cases arising under the Articles. Congress would act as arbiter in disputes between states, but it had no power to enforce its decisions.

The central government could exercise only such powers as were expressly delegated to it; all others remained with the states. Congress was to enjoy "the sole and exclusive right" to make peace and war, send and receive ambassadors, enter into treaties and alliances, regulate the value of coin, regulate trade with and manage Indian affairs, and establish post offices. It could also establish standards of weights and measures, build and equip a navy, borrow money, and emit bills of credit. If these powers are so broad as to suggest that the states were not actually sovereign, it should be borne in mind that the most important of them could not be exercised unless nine (two-thirds) of the states approved, and even then there was no way of compelling a state to comply with the decision if it chose not to do so.

*Powers of  
Congress*

Highly important powers reserved to the states, thereby constituting a great obstacle to the success of the Confederation, were the regulation of trade and the control of taxation. Congress had only two ways of obtaining funds: it might either borrow or make requisitions from the states. The resources for borrowing were pretty well exhausted by the end of the war, but some Dutch bankers remained optimistic enough to make small loans—enough to save the Confederation from bankruptcy. The requisition system broke down because the states contributed only when they saw fit. The powers of Congress over commerce extended to the making of treaties with foreign countries and to the regulation of trade with the Indians; but it had no power over interstate commerce, nor could it lay export or import duties of any sort. Consequently there was no revenue from this source, nor was a uniform commercial policy possible. In time, economic

depression seriously complicated the problem of revenue, and failure attended each effort made to amend the Articles in order partially to remedy their worst defect. Thus experience served only to accentuate the inadequacy of the Articles as a fundamental instrument of government; but in spite of glaring weaknesses the Confederation showed the possibilities in union, and paved the way to a stronger one.

*Social results of the Revolution*

Another aspect of the Revolution—perhaps as important as the political—was the impetus given to a social transformation in which democratizing influences proved strong and lasting. However, even if some 100,000 Loyalists did flee the country, it was not a revolution like the French or the Russian in which one class was largely dispossessed. Outwardly, the essential characteristics of the American people were not changed by the struggle. Only a relatively small portion of the population and of the territory were actively engaged in or seriously affected by actual military operations. Most people continued undisturbed in the same callings. But underneath this external aspect of the war were forces which, being released, profoundly affected colonial social and economic life—class distinctions, slavery, landholding, religion, and business relations in general.

Making liberal allowances, and many exceptions, the Revolution was supported by the commoners rather than the aristocracy. The success of the Patriots in hounding the Loyalists enabled many a commoner to enjoy a vicarious sense of importance and power when one of his fellows sat in the seats of the mighty. The strong note of equality sounded in the Declaration of Independence, together with the discomfiture of many wealthy Loyalists (often including the confiscation of their estates), contributed to the breaking down of class distinctions, although the leveling process fell far short of the degree that many historians have inferred. In the South, notably Virginia, the great landholders were commonly Patriots, and naturally they did not lose their possessions. The same is true for a goodly proportion of Loyalist merchants in the North. A considerable extension of the suffrage likewise improved the social status of many of the newly enfranchised. Nor was landholding as a qualification for office as onerous as it might appear; for in many states land sold for a few

cents an acre when confiscated Loyalist estates went on the market.

Among the social consequences of the Revolution, perhaps none was of greater importance than the changes affecting land ownership. British practice, holding over from the days of feudalism, made possible the creation of a landed aristocracy possessing enormous estates; it entailed also various restrictions which hampered the little man in competition with the powerful gentry. The Rensselaer manor in New York was two-thirds as large as Rhode Island; that of Lord Granville of North Carolina included about one-third of that colony. The Fairfax estate embracing the "Northern Neck" in Virginia contained about five and a half million acres, enough to make twenty-one counties. Every state confiscated the property of a portion of its Loyalists, about 5000 of whom asked Britain for compensation at the end of the war. Among the largest Loyalist holdings thus seized were those of Sir William Pepperell of Maine, Governor Wentworth of New Hampshire, Sir John Johnson of New York, and Sir James Wright of Georgia. Other lands forfeited to the states comprised the proprietary holdings of the Penns and the Calverts in Pennsylvania and Maryland, together with all crown lands in half a dozen other colonies.

*Ownership  
of land*

The overthrow of a considerable portion of the landed aristocracy through confiscation of its lands by the states was furthered, and accompanied, by the abolition of feudal relics such as titles of nobility, tithes, quitrents, primogeniture (descent to the eldest son of property in land), and entail (condition of settlement which forbade alienation of any part of an estate, thus keeping it intact in the family). The restrictions upon western settlement, imposed by the Proclamation of 1763 and the Quebec Act of 1774, likewise disappeared. In confiscating the lands of the crown, of proprietors, and of Loyalists, some states not only acquired a considerable source of revenue, but in selling the land in small tracts made it possible for numerous small farmers to acquire holdings.

*Feudal  
relics*

Significant also was the effect of the Revolution on religion and the churches. At the opening of the conflict each colony, excepting Rhode Island, Pennsylvania, New Jersey, and Delaware, recognized an established Church. In New England the Congregational

*War and  
the Churches*

churches enjoyed the favored status; in the South and a portion of New York it was the Anglican or Episcopal Church. Because the dissenting groups had suffered from various discriminations, including the legal requirement of taxation for the support of a church they did not attend, their discontent was no mean factor in the internal revolution against the established order of things. The Anglican Church drew the heaviest fire. It symbolized British control—most royal officers and many Loyalists were Episcopalians. It was a time when institutions that smacked of ancient prerogative were in disfavor.

*Religious  
freedom*

Most active and influential among the dissenters were the Presbyterians. They flourished in the Middle colonies, drew heavily from the "better people," and had in the College of New Jersey at Princeton, and in its president, John Witherspoon, powerful champions. Not only was Witherspoon the most influential Presbyterian during the Revolution, but his was the distinction of being the only minister to sign the Declaration of Independence. James Madison, a Princeton man, was an able second for Jefferson in the latter's great campaign for religious liberty in Virginia—the stronghold of Anglicanism in America. The Virginia Bill of Rights declared for religious freedom, and in the same year Jefferson began his famous struggle to fix the principle in law. Not for ten years (January 19, 1786) was he finally entirely successful.<sup>1</sup> In other states, outside New England, the task was relatively easy. In 1778 it was finished. Because the Congregational churches were identified with patriotism, disestablishment in Massachusetts, New Hampshire, and Connecticut came long after the war. Massachusetts, the last of them, did not fall into line until 1833.

*Church  
reorganization*

With independence accomplished, most church denominations took steps to form national organizations. Functioning without a central plan of control, the Congregationalists and Quakers, it is true, continued as before the war, while the Catholics had only to

<sup>1</sup> Jefferson's bill for complete religious freedom was introduced in 1779. In the last years of the struggle it was Madison who bore the brunt of the attack, for Jefferson was in France. But the latter was so proud of the accomplishment that he later asked that his epitaph be only: "Thomas Jefferson, Author of the Declaration of Independence, of the Statute of Virginia for Religious Freedom, and the Father of the University of Virginia."

be accorded a status separate from England. Prior to 1776 the London vicar apostolic had exercised jurisdiction over the thirteen colonies. For a while thereafter some French churchmen, including the Bishop of Autun (familiar to Americans as Talleyrand), were hopeful that one of their number might succeed the London dignitary as the medium of Roman control. Franklin, then minister to France, was willing. But after an investigation from Rome and the testing of American sentiment, the American clergy were permitted to choose their own bishop. Thus, in 1790, John Carroll became Bishop of Baltimore. His diocese was the entire United States.

The Methodists were the first to form a national organization. Founded by John Wesley, who remained a Loyalist, that group was still a part of the Anglican Church at the close of the war. Acting upon Wesley's instructions, and largely through the labor of Francis Asbury, the boldest spirit in American Methodism, the Baltimore "Christmas Conference" of 1784 established the independent Methodist Episcopal Church. Asbury became its first bishop. In a series of synods, beginning in 1785, the Presbyterians worked out the problems of an independent national Church under the leadership of Witherspoon. At the same time, the badly weakened though still numerous Anglicans completed the work of establishing the Protestant Episcopal Church of America. A serious difficulty was encountered in securing properly ordained bishops to head the national organization. Because there were no bishops in America it was necessary that they be consecrated in England, otherwise the apostolic succession would be broken. However, this ceremonial involved the taking of an oath of allegiance to the British crown. After Samuel Seabury had been consecrated by an independent branch in Scotland, the difficulty was removed (by 1787) through the efforts of John Adams, Minister to England.

Paralleling the successful contest for religious freedom was a movement for personal freedom; but the ultimate goal was not reached until human slavery was abolished in 1865 as a result of the Civil War. When the Continental Congress proclaimed to the world the principle "that all men are created equal," with the rights of "life, liberty and the pursuit of happiness," there

*Slavery*

were among the thirteen states about half a million slaves. Jefferson's own state had one-third of the total. How could Americans claim the right to freedom from the servitude which, they claimed, George III was attempting to impose upon them, while keeping slaves in worse bondage; how reconcile this same bondage with the "natural rights" of man? The inconsistency was so apparent that private manumission became fairly common. However, in the Southern states, where slaves were most numerous and also most profitable, it was easy to remember that the slave trade had been continued against repeated colonial protests, and that attempted prohibitory legislation had been disallowed by the Privy Council.

*The slave  
trade*

Positive steps to control the traffic began in the fall of 1774, when the First Continental Congress adopted a resolution forbidding the importation of slaves after December 1 of that year. The states individually soon took similar action, Delaware (1776) being the first to prohibit the trade. Virginia followed two years later, and others soon fell into line. Georgia was the last (1798) of the thirteen either to outlaw the trade or else to impose prohibitive duties. But a tender regard for slave labor remained in the South. It was the objection of Georgia and South Carolina, together with New England's slave-trading interests, which caused Jefferson to strike from the original draft of the Declaration of Independence his indictment of King George for fastening the trade upon the colonies. Because the lower South wanted still more slaves, New York and New England traders continued smuggling them in from Africa, and in 1804 South Carolina removed her restrictions.

*The first  
free states*

Putting up legal barriers against the importation of slaves, particularly during the war, was relatively easy: traders feared the capture of their vessels, slavery in the North was unprofitable, and in the South there was fear of insurrection. But emancipation was a far different matter, save for the Northern states where slaves constituted a relatively small portion of the population, and, besides, were economically unprofitable. The first antislavery society in any country was formed in Philadelphia in 1775, only a few days before the Battle of Lexington. Others were organized from time to time in different colonies. John Jay was first presi-

dent of a New York society founded in 1785. Vermont, with the fewest slaves, was the first state to abolish slavery. It was specifically prohibited by her constitution of 1777. The Massachusetts constitution declared that "all men are born free and equal," a clause which the superior court of that state interpreted (1781-1783) to mean that slavery was abolished—and so it was.<sup>1</sup> In Massachusetts alone the federal census of 1790 reported no slaves. Before 1805, in one way or another, all other states north of Maryland and Delaware had provided for gradual emancipation.<sup>2</sup>

Beyond the Mason and Dixon Line—which was beginning to have a color significance—the movement wavered; for in the South slaves were so numerous that to free them would not only be a shock to the economic system, but accentuate a race problem as well. In every Southern state proposals for gradual emancipation were defeated, although in several of them masters were given official encouragement to free their slaves. Virginia, for example, enacted such a law in 1782, with the result that probably twice as many were freed in that state before 1790 as had secured their freedom in all Massachusetts. Yet in spite of such encouraging signs, no Southern state ever quite brought itself to the point of voluntary surrender of its slaves until the institution was doomed by an awful war between the states.

The humanitarian interests which encouraged the emancipation movement carried over into other fields and were instrumental in the amelioration of the harsh colonial criminal codes and prison conditions. When the war opened, no colonial penal code contained more than 20 capital crimes—in England there were about 200—but the brutality of it all was shocking to those who found new faith in the dignity of the common man. Thus, during the Revolutionary period, Pennsylvania and Virginia reduced the rigor of their criminal codes, while at least four states modified their laws respecting imprisonment for debt. Partly because of

*Penal  
reform*

<sup>1</sup> In England, a decision of Lord Chief Justice Mansfield (1771) sufficed to free the slaves there, but slavery remained in the British West Indies until the 1830's.

<sup>2</sup> Pennsylvania	1780	Rhode Island	1784
New Hampshire	1783	New York	1799
Connecticut	1784	New Jersey	1804

The antislavery forces won another victory in barring slavery from the Northwest Territory by the Ordinance of 1787.



speculation and currency fluctuation during the war and reconstruction, a considerable number of prominent men involuntarily graced debtor's prisons. Their plight seemingly was an influential factor in producing remedial legislation affecting those who were unlucky enough to lose their liberty because of debt. Similarly, the insane were receiving more favorable attention. Virginia had pointed the way (1769-1770) by providing for the establishment of a hospital for such unfortunates—the first of its kind in America, if not in the world.

*Common  
schools*

During the war years formal education suffered badly. Such common schools as previously had been established and maintained at public expense were virtually ruined, while those which were supported by fees declined. With the return of peace an increased amount of attention was given to the establishment of new systems. In Massachusetts, Connecticut, Pennsylvania, and Georgia revenue derived from the sale of confiscated Loyalist estates or crown lands was used for educational purposes. Vermont, in her constitution of 1777, bravely proposed the establishment of a system of schools which should culminate in a state university. Among many people a growing conviction that education for all should be at the expense of all pointed to a distant day when the idea would be accepted as sound democratic doctrine.

*Colleges*

Most colleges were hard hit by the war. King's College closed during the British occupation of New York, and the College of Philadelphia (Franklin's pride) was abolished in 1779 by the democratic legislature. For several years after the return of peace, activity in the interests of higher learning was much more pronounced than that which characterized the common schools. Old colleges recovered and new ones were founded. Among the churches which were expending a portion of their energies in the founding of academic institutions the Presbyterians were outstanding. They established four of the denominational colleges dating from the Confederation period.

*William  
and Mary*

The South, which had only one college before the war, was especially active. It was at the College of William and Mary that innovations were introduced during the war which foreshadowed the liberality of the University of Virginia, founded by Jefferson

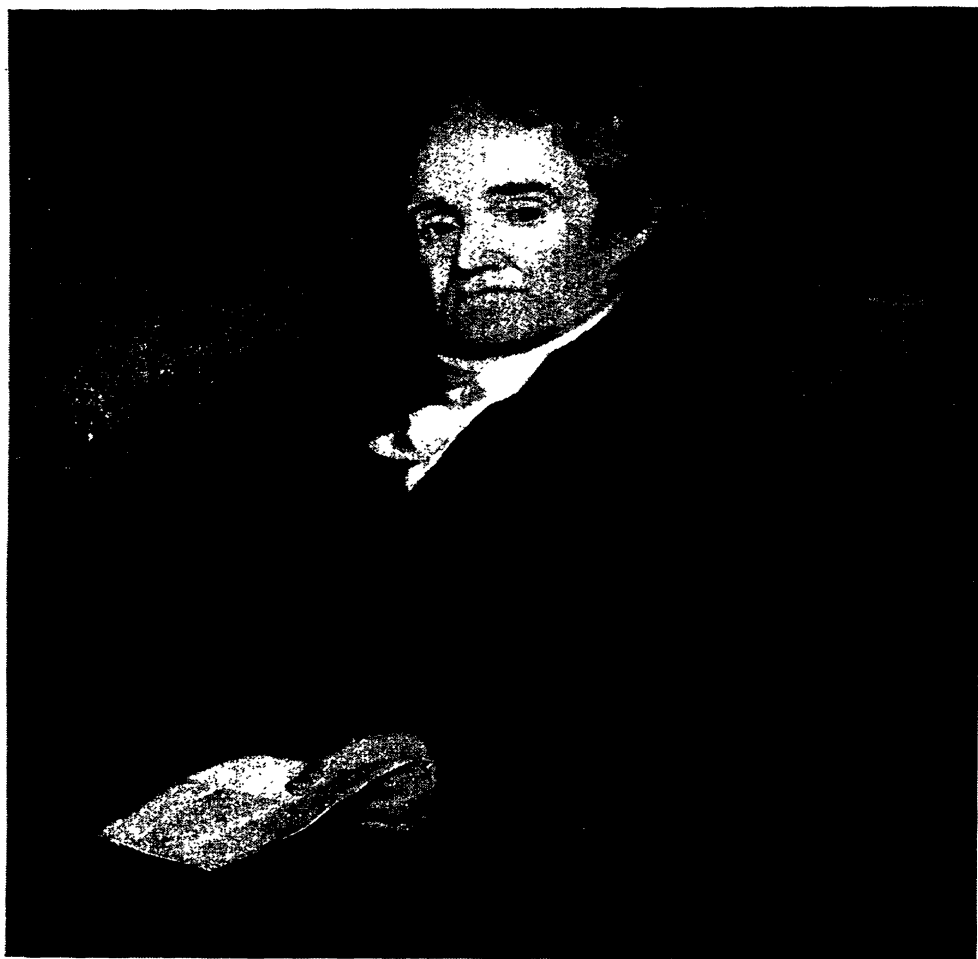
nearly half a century later. As a member of the Board of Visitors, Governor Jefferson was largely responsible for the abolition of the professorship of divinity and Hebrew, and the substitution (December 1779) of professorships of law, medicine, and modern languages. Thus George Wythe became the first professor of law in the United States, if not in the English-speaking world. The students were given greater freedom in choosing subjects; and the honor system was established. Here, in the historic year of 1776, Phi Beta Kappa was organized. It was in the South, too, that the idea of a university provided by the state was first put into practical effect. Georgia, in 1785, chartered the earliest state university; North Carolina, four years later, was second.

The innovations which helped make William and Mary the outstanding liberal arts college just after the war touched Yale and Harvard only lightly at that time. Steeped in theology, both clung closely to well-established academic traditions, with the clerical influence still dominant. Thus an ungracious Harvard student, Harrison Gray Otis, in 1782 longed for the time when he should be free from "the sophisticated Jargon of a superstitious synod of pensioned bigots and ramble in the field of liberal science."

In addition to political leaders, America in the day of the Confederation was producing a few men of note in the field of letters, art, and science. Most of the writing, it is true, enjoyed only temporary popularity. Philip Freneau's poetic satires, and Joel Barlow's *Vision of Columbus*, for example, possessed considerable merit, but no American authors of the period were worthy of being classed with leading English writers. Perhaps three-fourths of the books in the country came from England, and among them the classics held a position of high esteem. To be able to read the masterpieces in the original was still a hallmark of erudition.

Letters,  
art, and  
science

At Philadelphia, Benjamin Rush was making the Pennsylvania Medical School the most outstanding in the land, and in New York a young schoolmaster, Noah Webster, was beginning his splendid labors to the end that America might enjoy literary independence. In 1783 his "blue-backed" speller started its famous career. Eventually over 75,000,000 copies were sold. His dictionary was not completed until 1825. Judge Francis Hopkinson,



NOAH WEBSTER. PAINTED BY S. F. B. MORSE

*Courtesy of Mrs. Howard B. Field*

active as an organist, painter, and poet, is perhaps best remembered as the designer of the American flag.<sup>1</sup> Charles W. Peale, after studying in London under the American-born Benjamin West, returned to America, served in the Continental Army, and

<sup>1</sup> Betsy Ross may have cut out and sewed together the flag which Hopkinson designed. The legendary story of her making the flag at the request of Washington and Robert Morris rests only on family tradition, first made public nearly a hundred years afterward. Congress officially adopted the Stars and Stripes as the national flag, June 14, 1777.

painted many celebrated portraits including several of Washington. John Trumbull left the Continental Army in 1777, and likewise studied in London under West. Both he and West produced many famous historical paintings. Working and living with West for several years was another young American, Gilbert Stuart, who achieved fame as a portrait painter before returning to America after the Confederation period. He is best known for his many portraits of Washington.

The war brought bad social effects as well as good. The flight of many thousands of Loyalists may have furthered democracy, but it took a toll in intelligence and ability which no country could lightly sustain. Many church buildings were destroyed or badly damaged, religious activities seriously declined, and moral standards suffered. It was ever thus! War tends to bring out some of the finest human qualities—self-sacrifice, devotion to a cause worth fighting for, patriotism—but it also brings out the base: selfishness, greed, “profiteering,” a lower estimation for the value of life, and soul-shriveling hatred. Sober elders, like kindred spirits of other generations, lamented both an increase in frivolity and crime, and a lowered respect for authority and tradition.

*Bad social  
effects  
of war*

Another evil effect of the war was the impetus given to dueling, particularly in the South. This medieval method of settling personal quarrels or points of honor was occasionally used in the colonies before the French and Indian War. Contact with British officers in that war, and with the French during the Revolution, made a strong impression upon many young Americans who looked upon the practice as a distinguishing mark of the spirited and sophisticated male. Such prominent men as Washington, Jefferson, and Franklin opposed the practice, and in the North it soon lost favor; but until the Civil War it flourished in the South. “Gentlemen” of the colonial period commonly used swords; after the Revolution they favored pistols. Others used such weapons as they fancied: long knives, rifles, shotguns, harpoons.

*Dueling*

The political and social changes of the war years were closely paralleled by economic readjustments. As previously mentioned, the nonimportation agreements preceding the war, as well as the war itself, furthered the production of wool, cotton, and other raw products. Blockade runners were usually ready to carry

*Economic  
adjustments.  
Agriculture*

Virginia's tobacco to Europe, and British and French armies in America provided an additional market for farmers' foodstuffs; consequently agriculture was stimulated rather than retarded by the war.

*Manu-  
facturing*

Manufacturing was affected even more directly than agriculture. First of all, the war put an end to the bothersome restrictions by which Parliament, in its attempts to make the colonies a place for the production of raw materials and a market for British goods, had discouraged American manufacturing. Thrown upon their own resources by the fortunes of war, the colonists made strenuous efforts to supply their own needs, and both Congress and the states did what they could do to encourage production by offering bounties and prizes. Glass, leather, cloth, and iron manufactures increased. The needs of the army greatly stimulated the production of munitions. Small gun factories were established in several towns, and Congress founded works at Springfield, Massachusetts. Paper mills multiplied—their growing output attesting to the mounting popularity of newspapers. Shipbuilding, encouraged as it was by the British, had been the chief colonial manufacture for use outside the colonies. The effect of the war was to damage the industry badly, but recovery was rapid. The salt industry developed from necessity when the foreign supply—often brought as ships' ballast—was cut off. Americans used enormous quantities, what with fishing and their great dependence upon salted provisions; but they had not yet reached, or exploited to any considerable extent, the great interior deposits. Various devices were tried for reducing a shortage that pushed the price to six dollars a bushel.

*Commerce*

The effect of the war on commerce was to dislocate rather than to destroy it. From the adoption of the Association (1774), trade with England was greatly lessened, although wholesale privateering and blockade running offered a partial substitute. In April 1776 the Continental Congress completely broke from the old British navigation laws, throwing open American commerce to the world. The new exchange of goods thus opened was primarily with northern Europe. Eager to capture the old English colonial trade, France made special efforts to win American favor. As previously noted, it was partly because of commercial desires that

she risked war with England by recognizing American independence.

The close of the war necessitated readjustments complicated by an economic recession that settled upon considerable portions of the country not long after Yorktown. Agricultural expansion, induced by the war and stimulated by the gold of British and French armies, was no longer necessary. Prices fell, but the mortgages remained to plague discouraged farmers. In general, the manufactures which had grown up when freed from English competition wilted under the post-war onslaught of cheaper goods from abroad. Merchants with stocks of high-priced goods groaned as ships dumped their cargoes at ruinous prices in American ports. Aggravating the general situation was the flood of cheap paper money which did more than its bit to make unstable economic conditions even worse. Unemployment was widely prevalent, especially among ex-soldiers and sailors. But this is not to say that economic chaos followed in the wake of peace. Actually a small portion of the population continued to ride the wave of spurious prosperity kicked up by the winds of war; land speculation continued, and some new business organizations were launched. A major economic depression did not come until 1785.

*Econom  
recession*

All things considered, the setting in 1781 was not auspicious for an experiment at union under a central government which was without power to enforce its authority. It would require the discouragement of failure to produce among Americans a sufficiently strong desire for security to make the states accept voluntarily a greater measure of outside control. Only then could a strong federal government be established.

## Chapter Thirteen

### THE CONFEDERATION

*The  
"critical  
period"*

THE YEARS of the Confederation (1781-1789), particularly from the close of the war to the ratification of the Federal Constitution, have long been known as the "critical period" of American history. Domestic and foreign problems and dangers were indeed grave; but probably the outlook for the existence of the Republic was not so desperate as Americans customarily have believed. Be that as it may, the Confederation government was launched under conditions that were inauspicious, and which tended to become progressively worse.

*Unrest in  
the army*

In its first years the Confederation Congress had to face the prospect of being turned out by the army, which it was unable adequately to support. After Yorktown, pending the negotiation of peace, the main body of the army was stationed at Newburgh on the Hudson, keeping an eye on the British at New York. The likelihood of being demobilized with mere promises instead of pay finally led the soldiers to make bold demands on Congress (The Newburgh Addresses) and to threaten that arms would not be laid down until the difficulty over compensation was adjusted. Washington interceded with a moving appeal to their sense of patriotism and honor, and the crisis of revolt passed. A few weeks later about eighty soldiers from Lancaster marched under non-commissioned officers to Philadelphia, and demanded pay of Congress. Soon fortified by drink, the troops menaced the citizenry as well as Congress, which was unable to satisfy the soldiers or protect itself. In humiliation the members withdrew into New Jersey, meeting in the college building at Princeton. For over two years thereafter, Congress wandered from place to place in New Jersey and Maryland, finally settling down in New York where it expired in 1789.

The future of a government whose Congress had to live down the shame of retreat from a handful of mutinous soldiers was not hopeful. The glaring incapacity revealed by Congress in these incidents was symptomatic of several failures in dealing with pressing foreign and domestic problems throughout the lifetime of the Confederation. With the passing years its weakness became increasingly evident to thinking men, and few there were to mourn its final demise. But some phases of the complex Western problem of Indians, British relations, lands, rival state claims, and government were solved successfully—an oasis in an otherwise barren desert of failure.

Following the French and Indian War, Great Britain had grappled with the difficulties presented by Indians, the fur trade, French settlers, and colonial rights and desires. The most palpable result of her efforts proved to be an augmented colonial antagonism which helped produce the War for Independence. It was up to Congress to see if it could do any better. That body had the advantage of tackling a problem that was so vital to the interests of the states as to constitute the strongest bond of union during the "critical" years when the spirit of localism was first giving way before the rising sun of nationalism. Indeed a partial solution had been an indispensable condition of setting up a government under the Articles of Confederation; because, as previously noted, Maryland would not even ratify the Articles until her demands respecting the western lands were satisfied.

*Problems  
of the  
West*

Seven colonies had overlapping and conflicting claims to western lands: Massachusetts, Connecticut, Virginia, North Carolina, South Carolina, and Georgia through their charters from the crown, and New York by virtue of treaties of doubtful legality with the Iroquois. The Quebec Act had cut off all claims west and north of the Ohio; consequently Congress might have looked upon this territory as national property. But the individual states would not accept a changed status in their claims—Virginia, through George Rogers Clark, had even made a partial reconquest—and the Articles of Confederation supported them. The little states, without title beyond the mountains, were afraid of being overshadowed by the large ones, favored as they were by lands as a source of great revenue and as an outlet for future expansion.

*Claims to  
western  
lands*



Maryland, as spokesman for the small states, had well-nourished grievances—the fruit of many years of boundary disputes and defeats at the hands of strong neighbors. She had seen her liberal land grant under the charter of 1632 pared down by the creation of Delaware on one side and by the fixing of the Virginia boundary on another. Worse still, Pennsylvania claimed a broad strip along her greatest length—a dispute which had been settled in favor of the Quaker colony, as the Mason and Dixon Line signified. Declaring that the lands beyond the mountains had been won through the united effort and sacrifice of all Patriots, Maryland refused to ratify the Articles until Congress was able to assure her that the territory would become common property of the United States, to be made into separate states.

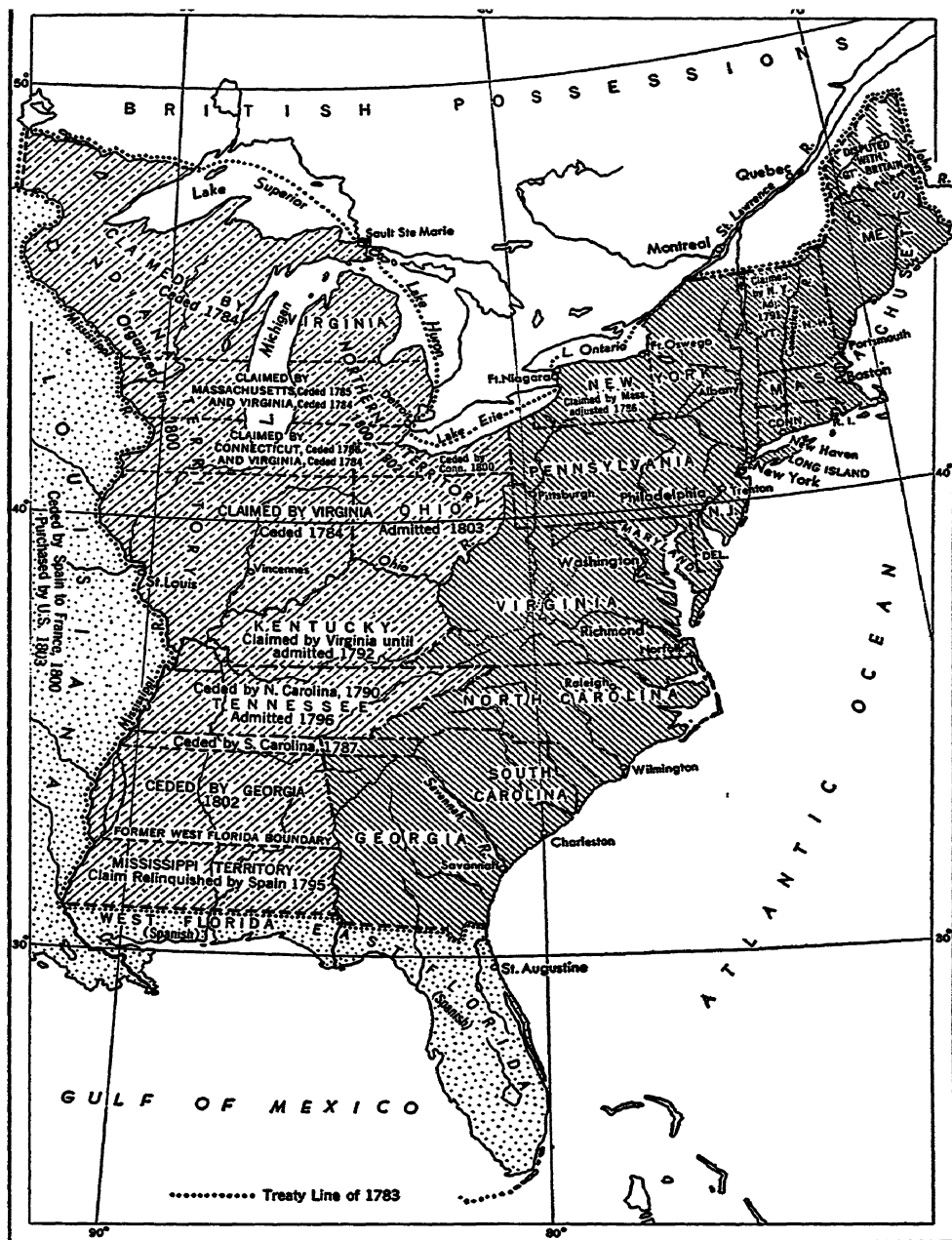
*Land  
companies*

A less familiar but more important factor in this contest centered in rival land company interests and in the jealousy of the landless states toward Virginia. Among the various land companies organized to exploit the West were two powerful ones—the Indiana (which kept the Vandalia project alive) and the Illinois-Wabash—which were composed mainly of politicians and speculators of Pennsylvania, New Jersey, and Maryland. Because these companies despaired of securing from Virginia a confirmation of their grants, they demanded that the western lands be surrendered to the central government.<sup>1</sup>

*New York  
sets an  
example*

New York set an example in public-spiritedness by surrendering, February 19, 1780, all claims (they were virtually worthless anyway) west of its present boundaries. Since 1776 several Virginians, including Jefferson, had been in favor of dividing the West into separate states, but they had no intention of turning it over to the exploitation of Middle state land companies. On January 2, 1781, Virginia offered to surrender her claims northwest of the Ohio, with the condition that all Indian cessions therein to "private persons" be void. This spelled ruin for the prospects of the land promoters, who then tried to induce Congress *not* to accept the offer; but Maryland could no longer refuse to ratify

<sup>1</sup> Influential members of the Indiana Company included Benjamin Franklin, George Morgan, and Samuel Wharton, all of Pennsylvania. Outstanding in the other company were Governor Thomas Johnson, Charles Carroll, and Samuel Chase of Maryland, and Robert Morris, James Wilson, George Ross, and the Reverend Doctor Smith of Pennsylvania.



FIRST YEARS OF INDEPENDENCE AND WESTERN LAND CLAIMS

the Articles. Thus on March 1, 1781—the same day New York's cession was accepted by Congress—her delegates in Congress signed the Articles of Confederation.

*Other states  
follow*

Because of the objections of the land companies, Congress did not accept Virginia's offer until March 1, 1784. By that time the soldiers' demands for bounty lands, coupled with a Congressional desire for revenue, were more powerful than the interests of influential land promoters. Virginia reserved all Kentucky, together with such lands between the Scioto and the Little Miami as would be necessary to satisfy military warrants that could not be accommodated in Kentucky. Massachusetts (1785) and Connecticut (1786) followed suit, and thus the territory north of the Ohio was placed under the control of Congress.<sup>1</sup> A year later South Carolina relinquished title to the narrow strip which she claimed, and in 1790 Congress accepted North Carolina's cession of what is now Tennessee. Not until 1802, after a famous land scandal and quarrel with Congress, did Georgia surrender her claims, thus completing the process which New York inaugurated.

*State of  
Franklin*

Every cession of western claims was complicated in some fashion by disputes, negotiations, or difficult bargains between claimants and Congress; and through the entire pattern ran the speculative aspirations of land companies. In the territory claimed by North Carolina, frontiersmen showed their mettle by setting up the short-lived "State" of Franklin. In the spring of 1784 North Carolina voted the cession of her western land to Congress. This action was dictated partly in the interest of great landholders, and partly by a desire to avoid the expense of protecting the western settlers, who were always on the verge of war with the Indians. Congress was slow about accepting the gift, and the state legislature rescinded its action.

Already the Wataugans were taking steps to defend themselves from the Indians and to maintain an orderly government. They held conventions, drafted an extremely democratic constitution—the first original one west of the mountains—and launched the state of Frankland. The name was soon changed to Franklin in

<sup>1</sup> Connecticut retained a 120-mile strip west of Pennsylvania to compensate soldiers and indemnify sufferers from British pillage. Jurisdiction over this Western Reserve was surrendered in 1800.

order to secure the support of Benjamin Franklin. The constitution made provision for officers from governor down to constable, excluded from office "immoral persons, lawyers, Sabbath-breakers, clergymen, and doctors," and authorized a university to be established before 1787. Taxes were payable in coin or bacon, rye, whiskey, brandy, and sugar.

Congress refused to recognize this buckskin state, and North Carolina attempted to regain control over it. By 1787 two sheriffs in each county were trying to assert the authority of rival governments. Until 1789 Franklin maintained a precarious existence, but internal rivalry finally proved its undoing. Governor Sevier was outlawed, then pardoned. North Carolina renewed her offer to Congress, and this time it was promptly accepted.

By the close of the Revolution the action of New York and Virginia made it clearly evident that Congress would soon have the responsibility for the domain north of the Ohio, if not everything west of the mountains. Pledged to the administration of this region for the common benefit of the United States, and to the creation of new commonwealths therein to be admitted to the Union on a basis of equality with the existing states, Congress (1783) appointed two committees to report, separately, plans for the government and sale of these lands. Thomas Jefferson was chairman of both committees.

*Congress  
attacks  
the land  
problem*

This young but experienced statesman clearly grasped the fundamentals involved in the creation of new states from raw domain, but he seems not to have been greatly concerned about the details of the process. He proposed an arbitrary division (by lines of latitude and longitude) of all western lands, "ceded or to be ceded," into sixteen districts which should remain forever a part of the United States.<sup>1</sup> Like the thirteen states, they should be subject to Congress, and after 1800 there should be no slavery in them. Coming from a slaveholder, this last provision is doubly significant, but Southern votes defeated its adoption. The plan of government authorized any district, on attaining a population of 20,000 free inhabitants, to adopt a constitution and send a delegate to

*Ordinance  
of 1784*

<sup>1</sup> For ten north of the Ohio he proposed names (deleted by Congress): Assenisipia, Cheronesus, Illinois, Metropotamia, Michigania, Pelisipia, Polypotamia, Saratoga, Sylvania, and Washington.

Congress; and whenever the population should equal that of the smallest of the original thirteen states, admission to the Union on terms of entire equality should follow. This plan, adopted by Congress on April 23, 1784, became the basis for a workable territorial system which the United States has employed to the present day, and therein lies its greatest significance. But Jefferson's ordinance was never put into operation, the chief reason being that its terms were prospective rather than practicable; it did not make adequate provision for temporary governments prior to the time when the population would be large enough to warrant statehood.

*Indian  
cessions*

In 1784 the white population in the Old Northwest consisted of some 2000 inhabitants of villages established by the French, and perhaps an equal number of squatters in the region west of Pennsylvania.<sup>1</sup> The Indians were ten times more numerous, and they still held title to most of the region. Treaty making was therefore in order. Weakened by the Revolutionary War, the Iroquois signed the second Treaty of Fort Stanwix (October 1784) confirming the cessions of the first (1768), and adding as well their indefinite claims west of the Ohio. In January 1785, at Fort McIntosh on the upper Ohio, another treaty was signed with the Chippewa, Delaware, Ottawa, and Wyandot. Thus a great share of what is now the state of Ohio was cleared of Indian claims, although it remained to be seen whether the Confederation government could induce the red men to recognize their cessions. With these treaties the United States, following the British custom, established the precedent that no territory should be open to settlement until the Indian title had been extinguished.

Major obstacles to the occupation of the Old Northwest having been removed, Congress was ready to make provisions for an orderly advance of settlement; but the chief interest of that impecunious government was the revenue which might be derived from the sale of lands, rather than the frontier advance. One hundred million acres or more, it was estimated, at a dollar per

<sup>1</sup> In 1785, when General Josiah Harmar was ordered to drive out the squatters, Ensign Armstrong reported to Congress 300 families each on the Hockhocking and the Muskingum, and 1500 on the Scioto and Miami. Besides, there was the orderly settlement of Clarksville.

acre, held pleasant prospects of financial independence. Thus the public domain constituted a strong bond of national unity to counteract the centrifugal effect of state sovereignty.

In the spring of 1784 Jefferson's other committee reported a scheme for the survey and sale of western lands. With a few changes this plan became the Land Ordinance of May 20, 1785. This justly famous ordinance outlined the orderly "rectangular" system of survey, carried out in advance of sale, and followed to this day in the United States as well as in a great share of the newer parts of the world.<sup>1</sup> There was slight colonial precedent for this scientific method of establishing land boundaries as well as abundant evidence of the need. Everywhere the earliest settlers in America had run their boundaries as they chose, picking desirable tracts and marking them by convenient trees, stones, or the bank of a meandering stream. This procedure provided the maximum of freedom to the individual, as well as the utmost confusion in land titles, and often terminated in fights and lawsuits. A few of the colonies, including South Carolina, had attempted to lay out square towns. In Massachusetts the approved size was six miles square; in Connecticut it was five.

*The Land  
Ordinance  
of 1785*

The Ordinance established the township of six square miles (thirty-six sections) as the unit, and one section (640 acres) was the minimum amount purchasable. One-seventh was reserved for soldiers, who might thus cash in on their warrants, and section sixteen of each township was set aside for the maintenance of public schools. In later years the amount was increased, but every state thereafter admitted from the public domain received such assistance.<sup>2</sup>

In its eagerness to make the public domain a profitable source of income, Congress laid down what proved to be the unwise minimum of one dollar per acre. The effect was to exclude the poor man who could not secure the necessary \$640 to purchase the smallest tract obtainable under the ordinance. It was an unpopular

<sup>1</sup> This system has been used in all states of the Union except the original thirteen, and Vermont, Maine, Kentucky, Tennessee, West Virginia, and Texas. In these states the Federal Government owned no public domain.

<sup>2</sup> After 1848 the amount was uniformly two sections. Utah, New Mexico, and Arizona received four, however.

condition of sale, as well as a virtual reversal of the British and colonial policy which allowed the frontier settler to possess a farm for a nominal consideration in return for his services in combatting Indians and converting the wilderness into a settled community. The West refused to accept as sound policy the idea that the public domain should be a source of revenue, and in later years turned savagely against it. But free farms as the reward for actual settlement were not attained until 1862, when the Homestead Act became law.

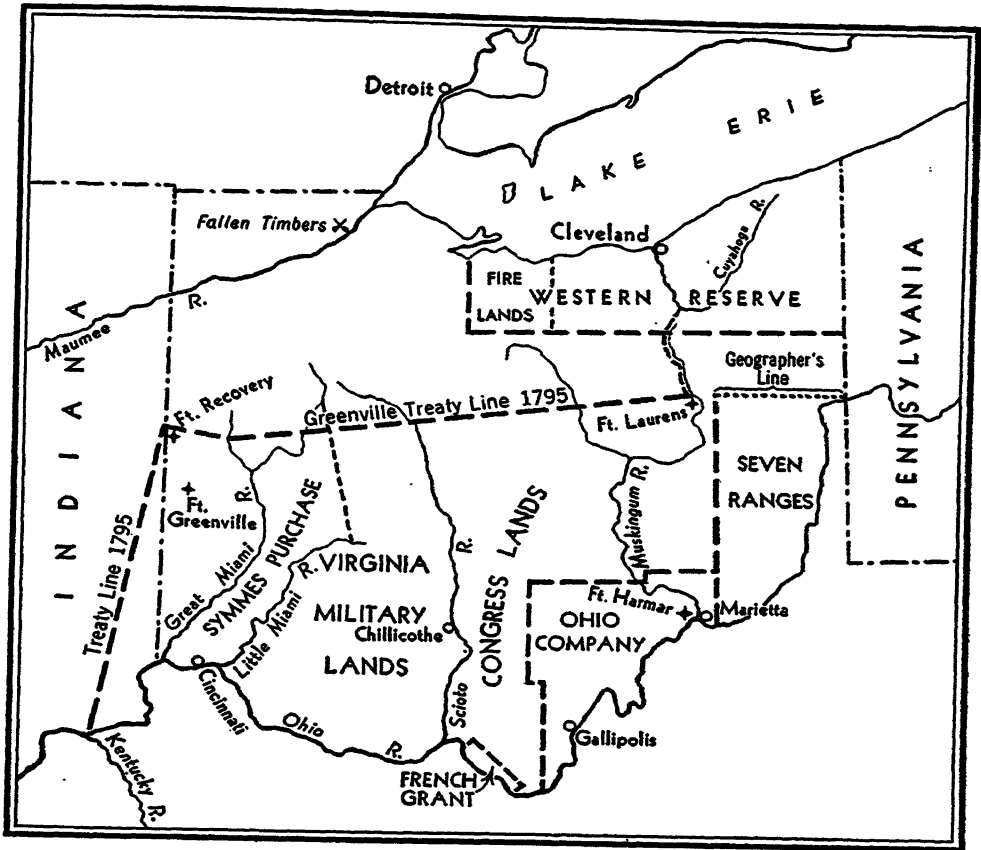
*The Ohio  
Company*

In the fall of 1785 a small detachment of troops started the erection of Fort Harmar at the junction of the Muskingum and the Ohio, and under their protection surveys were begun. Representing Massachusetts on the board of surveyors was General Benjamin Tupper. Early the next year he was back in New England conferring with his old friend, General Rufus Putnam, on the glowing prospect of a real estate venture in the inviting lands of the Ohio. Why not accept lands in lieu of the debts owed by Congress to the soldiers? In other words, turn back to Congress the well-nigh worthless Continental certificates with which they had been paid, and which Congress could hardly refuse to accept. The upshot was a meeting of Revolutionary officers at the Bunch of Grapes Tavern in Boston, March 1, 1786, where the Ohio Company of Associates was organized. After recruiting a sufficient number of stockholders, the next step was to induce Congress to sell a great tract at a bargain wholesale price, and to secure the enactment of an ordinance of government, inasmuch as a respectable land company could hardly expect law-abiding citizens to settle in a region where every man was a law unto himself.

*Manasseh  
Cutler*

Expert lobbying was in order. After General Samuel Parsons proved unsatisfactory as an "agent" of the company, the Reverend Manasseh Cutler was turned loose on Congress. The interests of this versatile clergyman extended from business and philosophy to the study of medicine and botany—indeed he is known as the pioneer botanist of New England. He was just the man to deal with a Congress which for two months in the summer of 1787 was unable to secure a quorum. At that time more attention was centered on a constitutional convention at Philadelphia than upon the old government facing dissolution in New York.

Early in July 1787 Cutler proposed the purchase of a million acres of land if Congress would provide a satisfactory territorial government. However he would offer only sixty-six and two-



LAND PURCHASES AND EARLY SETTLEMENTS IN THE OLD NORTHWEST

thirds cents an acre, and pay in Continental certificates, which were worth about twelve cents on the dollar. Congress was rather reluctant to sell on such terms, but skillful lobbying—coupled with an arrangement by which some members of Congress and some New York speculators (the Scioto Company) were let in on the deal—did the trick. Congress settled down and quickly enacted the famous Northwest Ordinance of July 13, 1787, and two weeks later authorized the sale of land on Cutler's terms. The Ohio



Company bargained for 1,500,000 acres, and the Scioto group for nearly 5,000,000.<sup>1</sup>

*Northwest  
Ordinance  
of 1787*

The Northwest Ordinance of 1787, the fundamental principles of which had been thoroughly debated for years, was based on Jefferson's ordinance, and was easily the most important legislation of the Confederation period. It provided in detail for successive stages of government from a raw territory to statehood in the Union, giving to the territory at all stages such measure of self-government as was consistent with national control. In the first stage, it is true, the necessary officers—a governor, secretary, and three judges—were to be appointed by Congress. But when the population numbered 5000 free males, the territory should have an elective legislature of two houses and a delegate in Congress, who might take part in the debates but not vote. Thereafter, when any one of the three, four, or five states which were to be created from the territory should attain a population of 60,000 free inhabitants, it should draft its own constitution and be admitted to the Union "on an equal footing with the original States, in all respects whatever."

Herein lies the great significance of the ordinance. Colonies, traditionally, had been considered as something to be exploited by the mother country, with the result that they broke away if they had enough spirit and were able to do so. The plan and principle of equality outlined in Jefferson's ordinance and worked out in detail in the Ordinance of 1787 proved so successful as to be followed to the present time. Thus almost without friction, save that resulting from slavery, the Union was able to expand from thirteen to forty-eight states.<sup>2</sup>

Another noteworthy feature of the ordinance was six "articles of compact" containing guarantees, such as religious liberty and trial by jury, similar to the bills of rights in the state constitutions.

<sup>1</sup> The Ohio Company finally purchased some 750,000 acres at an actual price of about nine cents an acre; that is, two-thirds of a dollar per acre in paper worth about twelve cents on the dollar. The Scioto Company never actually purchased an acre. It is of more than passing interest that Congress reserved one section from each township for schools, another for religion, and two townships for a university.

<sup>2</sup> With slight variations, all states added to the original thirteen except Vermont, Kentucky, Maine, Texas, California, and West Virginia have followed the procedure outlined by the ordinance.

One provision, however, was unique: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted." Whether this prohibition should apply to future states created from the territory was not stated. Conceivably, a great amount of trouble between the North and South might well have been avoided in subsequent years if the point had been settled explicitly. The motives underlying the action taken respecting slavery were mixed. Jefferson spoke for a good many conscientious Northerners and Southerners when he tried to put such a provision in his ordinance of 1784; but slavery as a burning humanitarian issue lay many years in the future. Some Southern members of Congress, it appears, favored a free territory lest it become a competitor of the South. At any rate the Old Northwest was started on the road to freedom, although there were slaves in Illinois until the Civil War.

The bargain for land having been completed, the Ohio Company bestirred itself to found a settlement on the tract it located on the Ohio below the Seven Ranges.<sup>1</sup> Rufus Putnam led the forty-eight men who constructed boats on the Youghiogeny. In the *Mayflower* the advance guard arrived at the mouth of the Muskingum on April 7, 1788, and opposite Fort Harmar they made their settlement. Marietta, they named it, in honor of Her Majesty, Marie Antoinette of France. In July came General Arthur St. Clair, the first territorial governor in the United States. *Marietta founded*

In that same year another band of pioneers laid the foundations of Cincinnati.<sup>2</sup> This settlement was on the great tract between the Miami and the Little Miami, purchased by Judge John Cleves Symmes of New Jersey on terms similar to those granted the Ohio Company. About a year later St. Clair honored the settlement by making it the capital of the Northwest Territory. *Cincinnati*

While sturdy, honest pioneers were laying permanent founda-

<sup>1</sup> These ranges were the first surveyed northwest of the Ohio, and were between that river and the Geographer's Line, which extended due west from the point where the Pennsylvania boundary intersects the Ohio.

<sup>2</sup> The name was given by Governor St. Clair in honor of the society of Revolutionary officers of which he was a member. The settlement was first called Losantiville.

*Gallipolis*

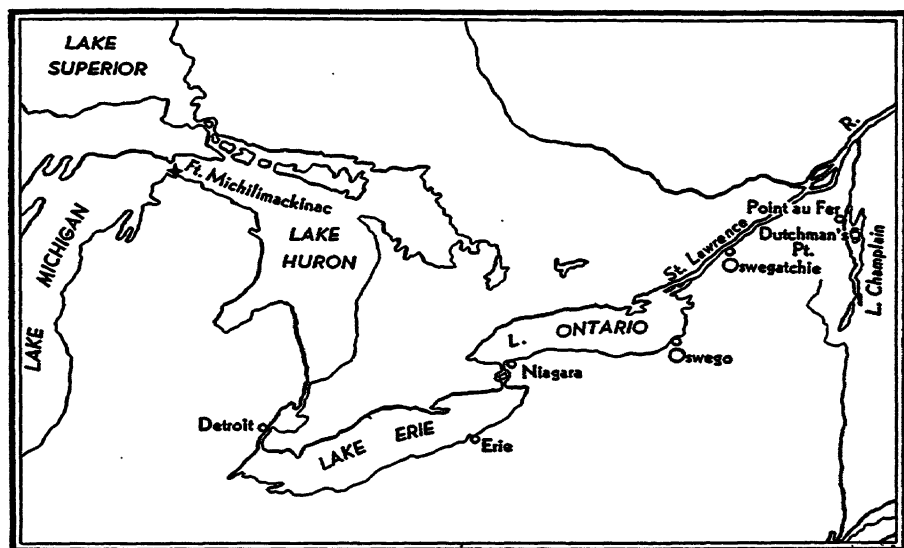
tions in these two localities, yet another colonization venture was unfolding—one that left a trail of fraud and suffering in the Ohio country. In 1788 the Scioto Company, possessing not a foot of territory, sent the poet Joel Barlow to France to sell lands. Soon many Frenchmen were beguiled by the charms of the sylvan utopia which he pictured, and about 600 of them—including watchmakers, tailors, dancing masters, and wig makers—actually migrated. Discovering on arrival in America that they had been duped, the company disbanded; but a few pushed on to the Ohio. Opposite the mouth of the Great Kanawha they founded Gallipolis (1790) where they lived miserably for a few years. Congress finally (1795) came to the rescue of those who remained by donating lands to them.

*Problem of the Northwest Posts*

These settlements north of the Ohio antagonized the Indians, and at the same time aggravated a problem in British relations. Although the Indians had surrendered a portion of the Northwest Territory, they had only a hazy notion of what cession meant; moreover they received encouragement from the British in Canada to resist the American advance. The main difficulty centered on the military and fur-trading posts stretching between Lakes Champlain and Superior. Located within the United States, as bounded by the treaty of peace, Britain was required to withdraw from these posts "with all convenient speed." For several reasons *convenience* dictated delay. Most northern Indians were allies of the British, who well remembered what had happened when the French, from necessity, deserted their Indian allies at the close of the French and Indian War. Abandon the Indians by leaving them to the mercy of the "long-knives," and the little settlements of Ontario might be swept away in an uprising like that of Pontiac!

Still another important consideration was the fur trade, which Scotch-Canadians had developed to the annual value of £200,000. The surrender of these posts, they protested, would ruin their business by diverting the trade to Philadelphia and New York. They merely asked for delay until they could reorganize their business. Thus, on April 8, 1784, the day before George III officially proclaimed the ratification of the peace treaty (which his subjects were enjoined to obey) the Colonial Office secretly ordered the retention of the posts. Before long the British govern-

ment found a convenient excuse for its action—proved by the disclosure of archives opened long afterward—in the failure of Americans to carry out terms of the treaty respecting debts and Loyalists. Finally, some Englishmen contemplated the break-up of the



PRINCIPAL AMERICAN POSTS RETAINED BY BRITAIN AFTER THE REVOLUTION

United States. When that time should come, the possession of the posts would make easy the acquisition of the entire Northwest.

Thus, throughout the Confederation, and in fact until 1796, the posts remained in British hands. From them the Indians secured guns, ammunition, and scalping knives for their forays, which were sometimes joined by young Canadians; and British agents, some of them bitter ex-American Loyalists, went among the tribes. A British customs officer was stationed at Oswego to keep American goods from the Lakes, from which American merchant ships were forbidden, and at Niagara the commandant even denied Americans the pleasure of viewing the falls! If the United States had been a nation—possessing an executive, national courts, an army, and a navy—rather than a confederation of sovereign states, it might have forced Britain to relinquish the boundaries she had recognized in 1783.

*The problem  
of debts*

This same weakness explains the failure of the United States to carry out her obligations respecting debts and Loyalists, thus giving the British a plausible excuse for their delinquency. By the terms of the peace treaty, creditors should not be hindered by any "lawful impediment" in the collection of the debts previously contracted. During the war several of the states did confiscate debts owed to the British, and afterwards, in spite of Congress and the treaty, further legal obstacles were imposed. Virginia, where the debts were heaviest, was particularly outspoken against payment. By 1789, when the Federal Constitution became effective, most of the states had repealed their restraining acts. Thereafter the federal judiciary was opened to British claimants; but this old canker in Anglo-American relations was not entirely removed until Jay's treaty (1794) provided for a final settlement.

*Loyalists  
and slaves*

Productive of still more bitterness in some states was the treatment accorded the Loyalists. The treaty stipulated that persecutions and confiscations must stop—a provision that was generally observed—and that Congress should "earnestly recommend" to the states the restoration of property that had been seized. Congress recommended, but only a few states complied, and those only in part. Regardless of what simple justice may have dictated, the nonconforming states were within their constitutional rights. After all, seven years of civil war, marked by Indian massacres incited by Tory Rangers, strained human nature too much to permit general disgorging to the old enemy. A considerable number of Loyalists recovered their property by transferring title to some Patriot kinsman, but most of those who sustained losses never recovered from the United States. A property dispute of a different nature involved some 3000 slaves taken away by the British troops in express violation of the treaty. For their losses the owners were never compensated. Claims on account of Loyalists and slaves were mutually dropped in 1794.

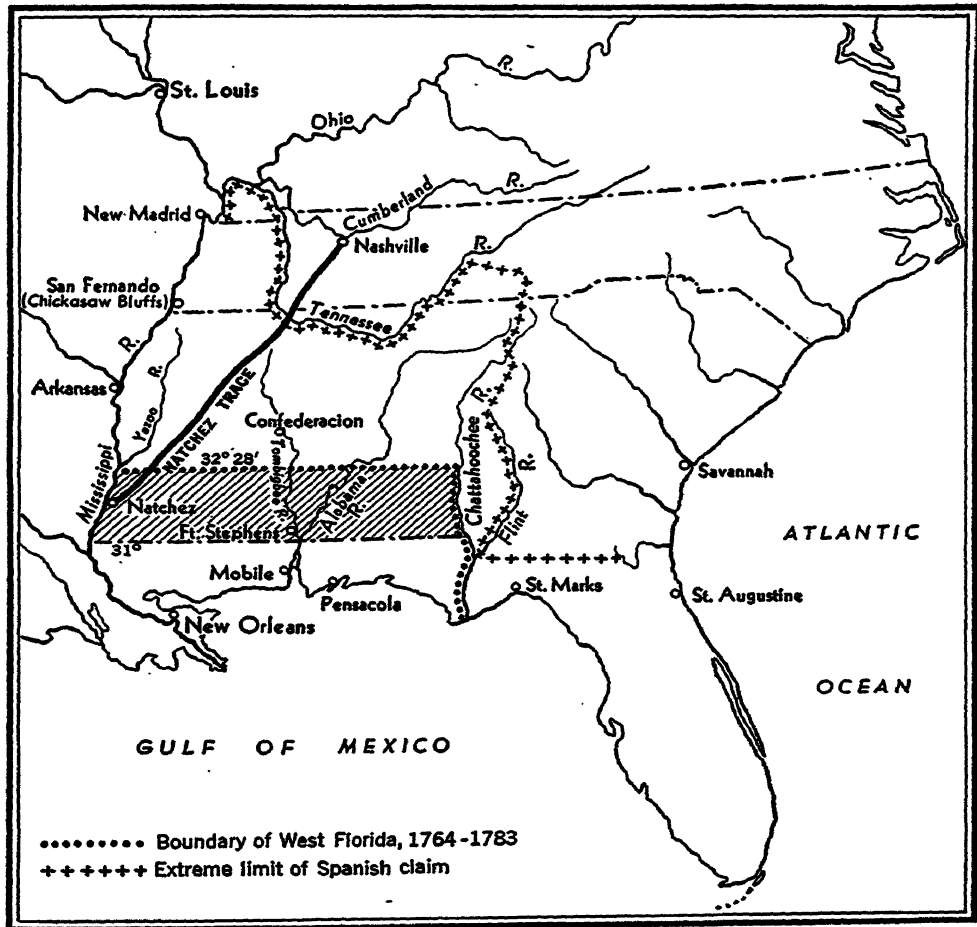
*bles  
with Spain*

The unsatisfactory character of American relations with England was matched by troubles with Spain. The one controlled the Great Lakes country by retaining posts which were admittedly in American territory; the other held the lower Southwest, insisting that it was Spanish territory. Together these European

powers dominated most of the trans-Appalachian region throughout the Confederation period.

A heritage of dislike for the Spaniard did not sweeten the disposition of Americans toward the government which had labored at Paris (1782) to prevent the United States from possessing territory west of the Appalachians. However the rebel republic got from England title to everything north of Florida and westward to the Mississippi, as well as the right to navigate that stream "from its source to the ocean." Thus a westward advance had

#### SOUTHWEST BOUNDARY CLAIMS UNDER TREATIES OF 1782-83



begun which caused Spain to fear for the future safety of Louisiana and even Mexico. To stop this advance Spain used such weapons as were available: Indians, the retention of garrisoned posts, special concessions to prominent Westerners who might use their influence in behalf of Spanish interests, and, most important of all, a stranglehold on Mississippi navigation.

*Boundary  
dispute*

A boundary dispute complicated the situation. By the definitive treaties of 1783, we remember, the United States was given a southern boundary at  $31^{\circ}$ , and the Floridas went to Spain without a boundary definition. In British possession, West Florida had extended over 100 miles farther northward to the parallel of the mouth of the Yazoo ( $32^{\circ} 28'$ ). Spain, therefore, claimed not only the "Yazoo strip" by treaty, but everything else as far north as the Ohio and Tennessee rivers by conquest. At various posts, including Natchez and Chickasaw Bluffs (Memphis), the Spanish flag flew as late as 1797-1798.

*Indians*

A scourge to Western settlers were the powerful Creek, Choctaw, and Chickasaw tribes living in the disputed area. Claiming sovereign rights over this region, Spain made treaties with them, paid an annual pension to the most powerful chieftain in the Southwest, Alexander McGillivray, and through the trading firm of Panton, Leslie and Company (organized in Florida by Georgia Loyalists) supplied the munitions with which the redskins made bloody attacks upon pioneer settlements.

*Control  
of the  
Mississippi*

The ace weapon in the Spanish collection, however, was control of the lower Mississippi. Both by treaty and by "natural law," Americans claimed the right of free access by that stream to the ocean.<sup>1</sup> But international usage was on the side of Spain; and, far more effective, New Orleans and Natchez were in her hands. In order to check the growth of western settlements Spain closed the river in 1784. Soon stories of confiscated cargoes whipped up fierce resentment among frontiersmen, who threatened a descent upon New Orleans with their good rifles for an accounting with the jealous dons. The lack of roads made the labor of transportation to eastern markets prohibitive; consequently, to the

<sup>1</sup> France granted the right to Great Britain in 1763—a servitude which Spain had to accept—and Britain in turn (1783) granted the right to Americans. Spain insisted that her obligation to Britain ceased when the two went to war in 1779.

thousands of settlers pouring across the mountains, the great river was of vital economic importance. From the tributaries of the Ohio in western Pennsylvania to those of the Tennessee the natural outlet for the bulky surplus of their labors—corn, bacon, tobacco, apples—was the free-flowing rivers which led to a market among the Creole planters of the lower Mississippi, or to a place of “deposit” pending transshipment to ocean-going vessels.

Here—in boundaries, Indians, and the Mississippi—was a real problem for diplomacy. At the same time, a commercial treaty with Spain was highly desirable. During the Revolution, Spanish trade barriers had been lowered, only to be raised again when the war was over. The volume of trade with Spain was small, but her dominions in this hemisphere offered expansive possibilities, as well as gold and silver to replenish a lean American store. It was the task of John Jay, Secretary of Foreign Affairs after 1783, to wrest if possible favorable terms from the Spanish minister Diego de Gardoqui. At any rate, Spain was willing to negotiate, which was more than Britain would do, and from 1785 until 1787 futile conversations were conducted. Gardoqui, who knew Jay well, greased the wheels of diplomacy by lavish entertainments in New York, then the capital, by paying pleasant attentions to Mrs. Jay, and by “loaning” money to a member of Congress. The King of Spain did his bit by sending to Mount Vernon a jackass which Washington named “Royal Gift.” The proud Spaniards might better have saved their pennies.

*Jay-Gardoqui  
negotiations*

Jay's instructions from Congress made free navigation of the Mississippi an indispensable condition for any treaty. Gardoqui was empowered to recognize all American boundary claims if necessary, but to make no concessions whatever respecting the great river. In the summer of 1786, after months of intermittent conversations, when Jay was convinced Spain would not yield, he asked Congress to change his instructions, permitting him to sign a treaty in which the United States would acquiesce in the closure of the river for twenty-five or thirty years. By so doing he could secure a commercial treaty which would have been beneficial chiefly to Northern and Middle states. The Southern states, with territory extending to the Mississippi, fought the proposition. In the final outcome they were unable to prevent a change in Jay's



instructions, but obviously they could defeat any treaty, since nine states were necessary for ratification. Negotiations consequently collapsed.<sup>1</sup>

*Reaction in the West* Considering the Western feeling and temper, the failure of Jay's proposed treaty was in all probability highly fortunate. Its adoption might well have detached the West. When "men of the western waters," as they liked to call themselves, learned that the East for selfish reasons was willing to sacrifice Western interests for a quarter-century, they indulged in loud talk about taking matters into their own hands and adjusting their difficulties by allying with England or by seizing New Orleans. Gardoqui promptly grasped the seeming opportunity of promoting secession of the West from the Union by means of bribery and the granting of commercial concessions on the Mississippi. This action marks the beginning of the Spanish Conspiracy, as a series of intrigues between Spain and several Westerners is called—intrigues which lasted until the Mississippi problem was ultimately resolved by the purchase of Louisiana.

*James Wilkinson* Several prominent Westerners, including James Robertson, John Sevier, Colonel George Morgan, Harry Inness, and George Rogers Clark, had relations with the Spanish, and some accepted Spanish gold; but private gain rather than secessionist aims must have been the motive of most of them. In all these intrigues the arch villain of the piece was James Wilkinson. This "tarnished warrior" was with Benedict Arnold and Aaron Burr in the icy campaign before Quebec in 1775. At the close of the war he went to Kentucky, where his capacity for shady dealings found ample room for expansion. In 1787 he floated downstream to New Orleans, where he took an oath of allegiance to the Spanish crown, secured some commercial concessions on the Mississippi, and was granted a pension of \$2000 per year (later doubled) for his services in detaching the West from the Confederation. We shall see more of Wilkinson.

In 1788 the West was placated to some extent when the river was opened to its goods, subject it is true to a heavy import duty

<sup>1</sup> It was the vivid memory of this narrow victory which led Southern delegates in the Constitutional Convention of 1787 to require a two-thirds majority for the confirmation of treaties by the Senate.

at New Orleans, plus an export duty if transshipped. Thus the problem of the Southwest was held in abeyance until the growth of American population—and changing Spanish fortunes—ultimately gave the United States all she demanded.

What of the American ally, France—the only nation with which the United States has ever completed a treaty of alliance—during these troublous years? That country was bound by treaty (1778) to guarantee American territory as it was at the cessation of war; but she did nothing to help the United States possess the frontier posts. The guarantee was not applicable to the boundary dispute with Spain. Thomas Jefferson, as Franklin's successor in Paris, found his position "an excellent school of humility," what with the repeated dunnings for interest and for installments on the French loans, which Congress was unable to pay. Actually, Vergennes was rather pleased to find the Confederation too weak to liquidate a small debt. It comported well with his policy of keeping the American republic under French influence. *French relations*

On the whole, Jefferson got along well with the French people, who reciprocated the fondness he came to have for them. Not so pleasant was the stay of the first American minister, John Adams, in England. That sturdy champion of American independence arrived in London prepared to let bygones be bygones. He made his bows and a gracious speech to King George, who replied in kind; but the pleasant beginning was not symptomatic of what was to follow—the British were not prepared to forgive and forget so quickly. For three years Adams was treated, as he said, with "dry decency and cold civility," the while he vainly tried to establish diplomatic relations on such a basis as to deal effectively with problems of the frontier posts, debts, and commerce. He was allowed to make formal protestations of American grievances, but stony silence was the almost invariable response; nor would the British government, prior to 1791, extend the courtesy of appointing a minister to the United States. Humiliated and disillusioned, Adams returned to America in 1788. *Adams minister to England*

To most Americans no problem of foreign relations was so important as that of commerce. Released from the vexatious restrictions of English navigation laws, one of the chief beauties of independence was confidently hoped to be the opening of new *Problems of commerce*

channels of trade on a basis of equality. However, a guarantee of rights could rest only upon special treaty agreements; otherwise arbitrary regulations of whatever sort might be imposed. At the end of the war the United States had commercial treaties only with France and the Netherlands; but there was expectation of making others because continental Europe hoped to capture a portion of the trade which supposedly accounted for England's commercial prosperity. Actually, the only other commercial treaties of the Confederation period were signed with Sweden in 1783, Prussia in 1785, and Morocco in 1787. Failure in the case of Spain has been noted.

*British  
policy*

More important than the trade of all other countries combined was that with Great Britain; for with the return of peace American commerce fell into the old familiar British channels. Only in England could merchants secure long-term credits, and, anyway, Americans preferred English goods. By 1789 ninety per cent of American imports and three-fourths of all foreign trade were with Great Britain. Americans were bitterly disappointed to find that they could not enjoy the privileges of the colonial status together with independence. A few Englishmen, notably Shelburne and the younger Pitt, proposed granting to Americans essentially the same commercial privileges they had enjoyed as members of the empire—thus establishing Anglo-American relations on a permanent basis of friendship—but they were overruled. Why should Britain, dominating American trade anyway, make gratuitous concessions to ungrateful ex-colonists who had rebelled against her? So in 1783 American vessels were excluded entirely from the British West Indies and Canada. Furthermore, England would permit American goods to enter the islands only when other British colonies could not supply their needs, and transportation must be in British bottoms. Salt meats and fish were totally excluded. Altogether, these restrictions dealt a heavy blow to New England and the Middle states, which previously had supplied the islands with most of their provisions and lumber.

In the entire Western Hemisphere, therefore, no ports of consequence except a few in the French and Dutch West Indies were lawfully opened to Americans. Spain, it is true, relaxed her system somewhat in the case of Havana, and the unimportant Danish and

Swedish islands were not closed. Nor was this all. American vessels might carry nothing to England except American products; so in competition with British ships, which had the advantage of a triangular trade, Americans suffered. Congress had no control over commerce, and all efforts at individual retaliation by the states entirely failed because the necessary cooperation was lacking. The weakness of the Confederation government gave the British a plausible excuse for refusing a commercial treaty. Not until 1794 was one concluded. However, with long experience in the evasion of trade regulations, Yankee skippers managed to surmount some obstacles by developing a considerable illicit trade with the British West Indies.

The responsibilities of independence were not limited to the field of British and Spanish difficulties. Separation from the mother country removed the protection of the British flag from American commerce in the Mediterranean. There a collection of cutthroats, known as the Barbary pirates—Morocco, Algiers, Tunis, and Tripoli—maintained themselves by seizing the ships, and imprisoning the sailors for ransom, of countries that did not pay tribute. England with a great navy might have held these rascally states to a stern accounting, but she chose the easier way of paying tribute. Poor countries, unable to pay heavy blackmail, saw their commerce destroyed. The seizure of American ships began shortly after the United States became independent, and soon sailors were being held for ransom by Algiers. *Barbary pirates*

In London, John Adams was approached by a Tripolitan envoy who, having explained that his entire object in life was the doing of good, suggested that a million dollars would probably establish satisfactory relations with all four states. Adams was unable to further his saintly mission. At that time the United States could not raise money to pay interest on the public debt, much less pay protection money or ransom captive sailors. However, in 1787, by a stroke of luck, she was able to sign a treaty with Morocco without the payment of tribute. Not for several years thereafter were treaties signed with the others. In the interim some luckless Americans remained in slavery, and American commerce was excluded from the Mediterranean. *Treaty with Morocco*

The unsatisfactory status of foreign commerce was matched by

*Internal  
trade*

obstacles and confusion in the conduct of trade between the states. During the war, when ocean-going commerce was seriously deranged or cut off, the building of roads was greatly stimulated. However, the coastwise trade was quickly resumed after the war, and it remained for years the chief reliance. This meant that states with important ports of entry enjoyed a distinct advantage over others; for under the Confederation each state had the right to enact tariffs as it pleased.

As previously noted, no regulations for foreign imports could be effective unless all the states cooperated—an impossible accomplishment, as the British government realized when refusing to make trade concessions. Nor would the states concede to Congress the power which it asked (April 1784) of enacting retaliatory legislation against any country with which the United States did not have a commercial treaty. Naturally foreign goods gravitated to the low-tariff states, with the result that neighboring states would impose duties upon goods that crossed their boundaries. Retaliation, leading to lively commercial wars, logically followed. For example, Connecticut and New Jersey, largely dependent upon the harbor of New York, and taxed for both imports and exports, tried to equalize the situation by tariffs of their own. New York then imposed duties on firewood from Connecticut and cabbages from New Jersey, whereupon the latter sought revenge by taxing a New York lighthouse in Jersey waters. Such action may have stimulated state spirit, but it was bad for interstate commerce and the merchants who engaged in it.

*Problems  
of finance*

Permeating every phase of economic life, threatening the Confederation government with imminent dissolution, and bringing several state governments to hopeless confusion were financial ills. The helpless dependence of Congress upon the states for revenue produced two serious attempts at amending the Articles of Confederation in order to provide an independent source of income. In 1781 the power to impose a five-per-cent *ad valorem* duty upon all imports was requested. Twelve states agreed, but thirteen were necessary. Rhode Island chose not to play ball. Two years later Congress changed the nature of its request in order to meet previous objections, the main proposal being the imposition of an import duty for twenty-five years only. This time four states

withheld consent. The Revolution was not fought for the purpose of setting up a taxing power in the stead of Parliament!

So Congress was forced to continue playing the unenviable role of a "government by supplication." During the five-year period before conditions reached a new low in 1786, the average annually received from all states combined was less than half a million dollars. No wonder interest on the public debt could not be paid! In utter discouragement Robert Morris, Superintendent of Finance, resigned in 1783. He had saved the government from bankruptcy by securing loans from Dutch bankers, but he considered the outlook hopeless. As interest on the public debt accumulated, Continental securities fell below fifteen on the dollar. Few first-rate men would serve in Congress, and at times those who were members would not bother to attend its sessions.

Meanwhile the states, unhampered by constitutional limitations, were attacking their financial problems in different ways. Several made honest attempts to pay their war debts, but they found mounting difficulties in tax collection as the country slumped into a general economic depression. Many people, particularly the farmers, could not pay their debts and taxes. They demanded cheaper money as well as remedial legislation of different kinds. If a government could not serve their needs, what was it good for!

The lack of a satisfactory money supply had been a major colonial grievance. During the Confederation period, for several reasons, the currency famine became acute. There were no gold mines in the United States; imports were heavy during the first years of peace, thus an unfavorable balance of trade soon drew abroad the gold left by the British and French armies; and the derangement of the West Indian trade seriously curtailed that old source of hard money. A highly risky solution, but an attractive one for debtors, was the resort by the states to issues of paper money. It was not a new expedient. The colonies had tried it and had been much put out when Parliament took rigorous measures to discourage the practice. During the Revolution both Congress and the states issued great amounts of this fiat money, which retained its value for only a short time before the inevitable happened—depreciation to the point of worthlessness for most of it. It was thus that the war, in large measure, was financed.

*Inadequate  
money  
supply*

*Paper money  
and Rhode  
Island*

This unhappy experience was not enough to prevent the paper money party in seven states from gaining sufficient power to force a new issuance of fiat money. But in Rhode Island alone the radicals gained full control, thus offering the country a foretaste of what might happen elsewhere if the debtor class gained the saddle. When an abundance of paper money had reduced its value to sixteen cents on the dollar, the legislature enacted a law requiring creditors to accept paper at face value under penalty. If they refused, the debtor merely had to deposit it with the nearest judge in order to discharge his obligations. The contest was mainly between town and farmers. Merchants closed shop to avoid sales, and the country was treated to the spectacle of creditors fleeing the state to escape debtors who sought to pay their bills! One Weeden, a butcher, refused to take paper for his wares. The case went before the superior court, which held (*Trevett vs. Weeden*) the law to be unconstitutional. The legislature then launched an attack on the judges, but they escaped punishment. The decision stood, and the paper money party gradually lost control.

In seven states, where the radicals or paper money party gained at least partial control, resort was had to stay laws, the setting aside of court judgments, and even the closure of courts to suits for debts. In some localities violence flared up; mobs tried to prevent the courts from sitting, and in New Hampshire a courthouse was burned. But it was in Massachusetts, one of the states in which the cheap money party failed to gain control of the government, that resistance to the established order was carried to the limits of an armed uprising in 1786-1787. Shays' Rebellion, it is called.

*Shays'  
Rebellion*

During the first years of the war, farmers profited from an extraordinary demand for their products, but in the early 'eighties, largely because of the disruption of the West Indian trade, they found a glutted market instead. Furthermore the commercial class, in control of the Massachusetts legislature, imposed heavy head and land taxes partially for the purpose of paying the Revolutionary debt. Creditors who had postponed settlement while the currency was greatly depreciated were now demanding payment in hard money. By 1786, when the depression was at its worst, conditions appeared almost unbearable to a large percentage of small property holders (mostly farmers) in the central and western

portions of the state. Thousands were losing or facing the loss of their possessions, even to their household furnishings, and the jails were crowded with those who could not pay. Lawyers seemed unusually grasping, and the courts were clogged with civil suits. Petitions for stay laws, for reform in taxation, and for paper money failed to move the legislature, which was a bulwark in defense of property.

In the summer of 1786 the malcontents began a campaign of intimidating lawyers and breaking up courts. Daniel Shays, a Revolutionary veteran, emerged as leader. Civil war seemed imminent as men talked of moving against the eastern cities, and threatened to seize the property of the privileged class. Genuinely alarmed, private citizens contributed \$20,000 to raise state troops. The insurgents, armed mainly with pitchforks and staves, attempted to secure supplies from the arsenal at Springfield. General Lincoln was given orders to disperse the "rebels." In bloodshed the "Shayites"—as Samuel Adams, grown conservative, called them—were scattered and hunted like rabbits in the heavy snows of winter. Shays fled to Vermont with a price on his head, and the movement collapsed. However Governor James Bowdoin, staunch defender of law and property, was defeated at the next election; the legislature granted amnesty to all, and steps were taken to redress legitimate grievances.

The effect of the uprising and the possibility of other outbreaks were thoroughly disquieting to people of the higher social classes. Jefferson, it is true, could write that the tree of liberty must be watered occasionally by the blood of patriots, but John Marshall expressed doubts of man's capacity for governing himself. "I fear," he wrote, "we may live to see another revolution." Some prominent men talked once more of the advisability of establishing a monarchy. Washington wrote of the combustibles in every state which needed only a spark to set them off — "Who, besides a Tory, could have foreseen, or a Briton have predicted them?"

To conservatives everywhere the experience of Massachusetts was an object lesson in the imperative necessity for establishing a central government vested with adequate powers, lest the Confederation collapse. At last men of property and education in general had grown so tired of inadequacy and turmoil that they were

*Reaction  
to the  
uprising*

*Movement  
toward a  
stronger  
government*



willing to take the necessary steps, and have the states make the required concessions to ensure security and peace. But how proceed? Even before the depression years, several prominent men were actively advocating a stronger central government. In fact, Alexander Hamilton began the campaign before the Articles of Confederation went into effect, and various others, including Washington and James Madison, had taken up the cry. But the only constitutional method by which this objective could be attained was by amending that instrument; and every proposed amendment, whether recommended by private citizens, by state legislatures, or by Congress had been ignored or else failed of ratification because a unanimous vote of the states was necessary for any change.

*Mount  
Vernon  
meeting*

Because the times were ripe for a stronger government, the states fell into step with a movement which had started almost unnoticed in 1784, and led directly to the Federal Convention three years later. Virginia and Maryland, with ancient disputes over the navigation of the Potomac, appointed commissioners who met at Alexandria in 1785. Washington invited them to Mount Vernon, where a friendly settlement was reached. Why not extend the scope of activity to include interstate commerce in general? The outcome was a trade convention at Annapolis in September 1786. Virginia had invited all the states to participate, but only five sent delegates.

*Annapolis  
Convention*

Thus far Madison had played the leading role in the movement, but Hamilton overshadowed all others at the convention. In a formal report to their legislatures, drafted by Hamilton, the delegates recognized the impropriety of any attempt by so unrepresentative a body to deal with problems of commerce, especially when bound up with other serious matters pertaining to the federal system.<sup>1</sup> They recommended, therefore, a convention of commissioners from all the states "to meet in Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the

<sup>1</sup> At that time there was strong sentiment for a division of the states into two or more confederacies as the best solution for discord. This feeling was greatly enhanced in the summer of 1786 because of Jay's proposal to leave the Mississippi closed for a quarter-century.

Federal Government adequate to the exigencies of the Union; and to report such an act as . . . will effectually provide for the same."

The languishing Congress took its cue, and in February 1787 invited the states to send delegates to a convention at Philadelphia on May 14, 1787, "for the sole and express purpose of revising the Articles of Confederation." Seven states already had voted to elect delegates. Rhode Island refused to take part, but the other twelve chose delegates and drafted credentials for their guidance. Without exception, the delegates were directed to meet with the others at Philadelphia for one purpose—to revise the Articles of Confederation. The stage was set. Would the actors follow their lines?

*Call for  
Philadelphia  
Convention*

## Chapter Fourteen

### THE FEDERAL CONSTITUTION

#### *The Federal Convention*

THE delegates who assembled at Philadelphia in May 1787 were not ordinary statesmen; neither were they "demi-gods," as Jefferson once wrote. However, by any standard of comparison, the average of their character and intellectual ability, combined with political acumen and practical experience, was so high as to command great admiration, then as now. They were chosen by legislatures which clearly grasped the importance of the Convention, and outstanding citizens naturally were honored.

#### *Personnel*

Of the fifty-five members who attended at some time, twenty-one had fought for independence; eight had signed the Declaration of Independence; seven had been governors; thirty-nine had been in Congress; two (Abraham Baldwin and William S. Johnson) were college presidents, and William C. Houston, James Wilson, and George Wythe were professors. Over half had been lawyers, but planters, merchants, and physicians were represented. About half were college graduates—a real distinction in that day—while some others had the equivalent in self-education. The temper of the Convention was conservative, although it was not the conservatism of old age striving to resist change. The delegates ranged from Jonathan Dayton's youthful twenty-six years to Benjamin Franklin's ripe eighty-one, but the average was only forty-two. James Madison, who was so well informed and active as to be known as the "Father of the Constitution," was only thirty-six; Edmund Randolph, Rufus King, Gouverneur Morris, Charles Pinckney, and Hamilton were even younger. Manifestly the Constitution was not the handiwork of old, conservative men.

The best known members of the Convention were George Wash-

ington and Benjamin Franklin. In spite of his eagerness for the Convention, Washington for reasons of health attended only under strong pressure from his friends. Philadelphia celebrated his arrival by the firing of cannon and the ringing of bells, and he was unanimously chosen President of the Convention. It is safe to say that without the weight of his influence the work of the Convention would have been repudiated by the people. He took almost no part in the debates, but the force of his character was a factor of first importance. Franklin was so infirm with gout and age that another member read his speeches, but his wisdom and kindly humor were as oil for troubled waters. A few of the state delegations were particularly outstanding. In addition to Washington and Madison, Virginia was represented by Governor Edmund Randolph—he of the sweet voice, striking manners, and scholarly attainments, spokesman for the delegation—George Wythe, brilliant lawyer and classical scholar, George Mason, the wise author of the Virginia Bill of Rights, and John Blair. Patrick Henry was chosen, but he “smelt a rat” and declined the honor. *Leaders*

In addition to Franklin and others, Pennsylvania chose Robert Morris, the English-born “financier of the Revolution,” Gouverneur Morris of brilliant oratory, caustic wit, and facile pen, and the able and candid Scotsman, James Wilson, next to Madison the most active member of the convention. Elbridge Gerry of Massachusetts was active in debate, but the chief adornment of that state was the charming Rufus King, destined for a long and honorable career in public life. Alexander Hamilton of New York was one of the ablest men in the Convention, but his effectiveness was ruined by his extreme views—he would make the states mere subordinate corporations—and he was constantly thwarted by the other members of his delegation.

South Carolina had reason to be proud of her delegation: John Rutledge, the Pinckney cousins, Charles C. and Charles, and Pierce Butler. Likewise Connecticut, which was represented by a future Chief Justice of the United States, Oliver Ellsworth, Roger Sherman, the ex-cobbler judge who, with Robert Morris, enjoys the unique distinction of signing the Declaration of Independence, the Articles of Confederation, and the Constitution, and President William Johnson of Columbia College. The honest John Dickin-

son, "penman of the Revolution," was on hand from Delaware, and William Paterson of New Jersey and the truculent Luther Martin of Maryland were prepared to take up the cudgels for the small states. Able men not present who might have aided materially in the work were John Adams and Thomas Jefferson, ministers abroad, and John Jay, Secretary of Foreign Affairs. All three gave their support to the movement.

*Motivating  
forces*

To the present day the motives and influences which dictated the action of the Constitution Fathers have been the subject of much discussion and difference of opinion. Historians generally have emphasized the conflict between states rights and nationalism. Richard Hildreth, writing before the Civil War, stressed slavery. In recent years it has been customary to explain their action in terms of class and economic interests. It is natural that these differences should appear, because it is easy to interpret the past in terms of the interests and forces which dominate the thinking of the generation which any given historian represents.

*Economic  
interpreta-  
tion*

Obviously, the economic interpretation, whether sound or unsound, now commands further consideration. In brief, according to this thesis, the Convention was not representative; all its members were men of property—forty-five held public securities, fourteen held land for speculation, and eleven had mercantile and shipping interests—and this creditor class, accordingly, deliberately provided for a government designed primarily to protect property interests as against a debtor class! It is a truism that only the exceptional man is uninfluenced in his judgment by economic forces. Men who held securities worth fifteen cents on the dollar; who engaged in interstate commerce against a welter of conflicting tariff regulations; who could not develop Western holdings because the Confederation government was impotent against the Indians—all these would normally favor a strong government.

This doctrine of economic determinism deals with forces that are relatively concrete, and in this case is misleading partly because it is too simple.<sup>1</sup> What of intangibles such as love of country and the well-being of its people? In view of the fact that legis-

<sup>1</sup> In the country at large some men who held securities favored the Constitution, some opposed. The same was true of the "landed interests," of merchants, importers, creditors, and debtors.

latures chose their ablest men, the Convention was as representative as it well could be; furthermore the concept of a creditor and a debtor class leaves out of consideration a great portion of the population which might be called the middle class; and finally, contemporary evidence shows that the members were united in one great purpose only—the establishment of a government under which the Union could be preserved. Economic interests were incidental rather than basic. Obviously the delegates stood to profit from a strong government—as did Americans in general—but the fact is sometimes overlooked that one of the things most feared by them was an aristocracy of wealth. They were not democrats—in fact they were afraid of the leveling spirit as manifested in Rhode Island and Massachusetts—consequently they were not seeking the consummation of equality. However, they were striving to establish a government which would prevent the extremes of despotism and the onslaught of the masses. Actually, they did provide for a government that rested upon a broader popular basis than existed at that time in any other important country.

On May 14 the delegates met in Independence Hall, but organization was unavoidably postponed until the twenty-fifth, pending the arrival of delegations from a majority of the states. Distances were great in that leisurely age geared to horses rather than airplanes. The deliberations were still young when the delegates decided that the purpose for which they had been chosen—to draft amendments for the Articles of Confederation—was impracticable. But if the public should learn that they were proceeding instead to the drafting of a new instrument of government, the Convention might be broken up. For this reason, as well as to escape the influence of popular partisanship, a rule of strict secrecy was enjoined, and the work was done behind closed doors. Not until 1840, when Madison's *Notes* were published, did the public have more than a fragmentary knowledge of the deliberations.<sup>1</sup> Sensing the high importance of the proceedings, Madison

*Secret  
sessions*

<sup>1</sup> The official Journal of the Convention, hardly more than a skeleton of proceedings, was published in 1819. The sketchy notes of Robert Yates (N. Y.), covering the period May 25—July 5, were published in 1822.

Other members who made brief notes, published after 1894, were William Pierce (Ga.), Rufus King, William Paterson, Alexander Hamilton, and James McHenry (Md.).

took a front seat and wielded a swift pen every day of the Convention.

*The Virginia  
plan*

The decision to establish if possible a new and supreme government was reached by a small group of nationalists before May 25. Indeed the Virginia delegation had been meeting daily, and under Madison's guidance had drawn a plan for a constitution. This Virginia or large-state plan was presented on the twenty-ninth by Edmund Randolph.<sup>1</sup> It became the basis for the Convention's work, and the foundation of the new Constitution. The next day, in the Committee of the Whole, a resolution was adopted, "that a national government ought to be established consisting of a supreme legislative, executive, and judiciary." The Virginia plan called for a national government consisting of an executive, a judiciary, and a two-house legislature, functioning directly upon individuals rather than states. Representation in both houses of the legislature should be proportional to population, and voting should be by individuals rather than by state delegations, as the Articles of Confederation provided. Furthermore it offered hopeful, if ineffectual, devices for overcoming the greatest weaknesses of the Confederation government. Thus the Convention came to grips with the most fundamental problem before it—how to establish a workable relationship between state and nation without unnecessarily sacrificing the liberty of the one to the essential authority of the other.

*The New  
Jersey plan*

During two weeks of discussion which followed, sentiment for the plan grew more favorable. Alarmed by this trend, representatives of the small states swung their support to the New Jersey or small-state plan, which was presented by William Paterson on June 15. Essentially it provided only for revisions of the Articles of Confederation, chiefly by strengthening Congress in matters of taxation and trade. The issue between the large and small states was thus clearly joined. The former consisted of Virginia, Massachusetts, and Pennsylvania, as well as the Carolinas and Georgia, states with great future prospects; the latter included New York, together with New Jersey, Connecticut, Maryland, and Delaware.

<sup>1</sup> Charles Pinckney, on the same day, presented a plan which he said was "grounded on the same principles." It was neither debated nor used in the Convention.

Because New Hampshire's delegates did not take their seats until July 23, and Rhode Island was never represented, the large states had a majority, and thus were able to sidetrack the New Jersey plan after four days of discussion. But the real fight over the Virginia plan was yet to come. The small states were determined to retain the old principle of equality in Congress; the large were equally insistent upon representation on the basis of population. By June 29 equality in the lower house was definitely defeated, but further progress was deadlocked. Hot weather put an added strain upon tempers; Franklin proposed the opening of sessions with prayer; dissolution of the Convention seemed imminent.

*Crisis in  
Conventic*

But good judgment and a spirit of compromise prevailed. After all, the members were in agreement that a stronger government was imperative; moreover any constitution that might be drafted must be accepted by the states before it could become the law of the land. For the third time one of Connecticut's delegates—this time Ellsworth—proposed a compromise: equality in the Senate to offset proportionate representation in the House.<sup>1</sup> Then, when an impasse was reached, a grand committee of one from each state was chosen to reconcile the differences. On the recommendation of Franklin, one of its members, the Connecticut plan, together with the proposal that money bills originate in the lower house, was recommended to the Convention. Warm debate continued. Upon what basis was representation in the lower house to be apportioned; should slaves be counted for that purpose? Delegates from Southern states insisted that as "persons" slaves should be included; Northerners objected to the counting of "property" for that purpose. The matter was complicated by a previous decision of the Convention (in keeping with a Confederation principle) to assess direct taxes upon the states on the basis of population. In this case the position of the two sections respecting the counting of slaves was exactly reversed. The outcome was the "Three-Fifths" Compromise, establishing what came to be known as the "federal ratio," under which only three-fifths of the slaves should be enumerated both for representation and direct taxes.

*Working  
toward  
compromi*

During the discussions over representation the question of the

<sup>1</sup> It was first offered on June 11 by Roger Sherman.



*The West  
in debate*

future of the West was injected into the Convention. Gouverneur Morris and some others were rather contemptuous of Westerners who might "ruin Atlantic interests" if they should gain control. What would prevent them, if more numerous, from taxing Eastern wealth to Western advantage, or from involving the United States in wars with Indians or with a foreign power? To avoid such dangers Gerry proposed a limitation on the number of new states so that they could never outvote the old. However Congress wisely followed the advice of James Wilson against discrimination. Said he, "the majority of people, wherever found, ought in all questions to govern the minority." Deny to the West its rights, and it might break away from the Union as the colonies from England.

*The "Great  
Compromise"  
adopted*

The ironing out of details and the return of pleasantly cool weather cleared the way to the adoption of the Connecticut or Great Compromise on July 16.<sup>1</sup> It was a definite victory for the small states, which thereafter cooperated much more cordially. A great deal remained to be done, and some acute differences later appeared, but the great crisis in the Convention had passed.

*Compromise  
on commer-  
cial powers*

To what extent should the control of commerce be vested in the national government? Northern and Middle states, with extensive commercial interests, wished to clothe Congress with broad powers. The agricultural Southern states, fewer in number and dependent upon outside markets and ships, were afraid that to do so would put them at the mercy of the majority which might enact discriminatory navigation laws—like those England had imposed upon her colonies—together with heavy taxes in the guise of export and import duties. Delegates from South Carolina and Georgia, states in which there was a great demand for cheap labor, were also afraid that Congress might heavily tax imported slaves or even abolish the traffic. Southern delegates therefore demanded that navigation acts should require a two-thirds majority. The difficulty was finally compromised by the agreement that such laws should require only a simple majority, like other legislation, but that no export duties might be imposed, nor the importation of slaves forbidden before 1808. On moral grounds

<sup>1</sup>Equality in the upper house and representation in the lower on the basis of the Three-Fifths Compromise. It included also the provision that money bills originate in the lower house.

some members of the Convention, including Southerners, denounced slavery and objected to its recognition in the Constitution; hence the word "slave" was not used. But the compromise was a sectional bargain, rather than a humanitarian measure.

One of the most complicated problems before the Convention was that of determining how the chief executive should be chosen—a problem that became increasingly important as the framers vested more and more powers in the executive department. The idea of a plural executive, entertained by some at the beginning, was soon dropped. Should the President, then, be chosen for a short or long term, or for life; should he be eligible for reelection; should he be chosen by Congress, the state legislatures, or the people? Several members favored a choice by Congress, but obviously under such an arrangement the President would be more or less subservient to that body, particularly if eligible for another term. If chosen by popular vote the large states would surely dominate the office, and anyway there was a strong conviction that the judgment of the populace could not be trusted.

*Compro  
on the  
Presiden*

After tackling the problem many times, a committee of one member from each state found a solution which, somewhat amended, was ultimately agreed upon. Each state was to choose, in any manner it saw fit, a number of electors equal to its total representation in Congress. These electors in turn would cast their votes for two "persons." The one receiving the highest number of votes, if a majority, would be President; the next highest, Vice-President. The appearance of political parties, with a concentration of votes on their candidates, was not foreseen. Consequently it was assumed that a majority would seldom be given to any man, in which case the lower house should choose from the five highest on the list, each state having one vote. In this way the conflict between the large and small states was reconciled.<sup>1</sup> The President should hold office for four years, and

<sup>1</sup> With the organization of political parties this scheme of election quickly became unsatisfactory. In 1796 it resulted in the election of a President from one party and a Vice-President from another. In 1800 a tie between Jefferson and Burr, candidates of the Republican party, had to be broken by the House which was controlled by the Federalists. Only with difficulty was the House prevented from frustrating the will of the majority of the people. In consequence, the Twelfth Amendment was added to the Constitution, thus making impossible the recurrence of such an awkward situation.

be eligible for reelection. Evidently the matter of tenure beyond a second term was not considered at any time in the Convention. In the course of years, however, the *unwritten* Constitution decreed two terms as a maximum.

*The Constitution completed*

In early September, after many weeks of arduous labor, when all but small details had been compromised, the Constitution was given to a committee on style. The clear, forceful English of the finished document is a monument to Gouverneur Morris and James Wilson, members of this committee. Finally on September 17 the engrossed Constitution, "Done in Convention by the unanimous consent of the states present," was signed by thirty-nine members. The great work of the Federal Convention was finished. The members dined together and took cordial leave of one another.

No member of the Convention was entirely satisfied with its accomplishment—Gerry, Mason, and Randolph refused to sign—but the Constitution which they laboriously forged proved so sound and flexible that it has stood the acid test of time as that of no other great republic ever has done. Far from being an inspired document, it is rather a monument to the wisdom of practical men who drew upon their experience in constitution-making and government, steered away from the defects in the Articles of Confederation, compromised innumerable differences, and kept before them the goal of public welfare.

*The question of sovereignty*

The perplexing question of the location of sovereignty was much debated in the Convention, and, for that matter, thereafter until a great sectional war tested the capacity of the Federal Government to maintain the Union. A majority of the framers wished to establish a supreme, and therefore sovereign, national government, but they could not explicitly vest sovereignty in it lest the Constitution fail of ratification. It was also because of misgivings about ratification that the word "federal," which at that time meant a union of sovereign states, was substituted in the Constitution for "national." Hence the term "federal government" is to some extent misleading; for the new government actually was clothed with the power to deal directly with individuals—even to the extent of using military force to execute the laws of the Union—rather than with states as was the case under the Con-

federation. Several clauses in the Constitution emphasize the supremacy of the national government. The most notable example is the second paragraph of Article VI:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.<sup>1</sup>

The ultimate authority, however, is the people; and the prevalent opinion at the time of the ratification of the Constitution was that sovereignty was divided between the states and the Union. In strict logic, sovereignty is indivisible, but the states remained supreme within their sphere as several provisions of the Constitution indicate. Thus the powers not delegated to the United States by the Constitution nor prohibited to the states were understood to be reserved by the states; and in 1791 the Constitution was amended accordingly. In subsequent years those who believed that all sovereignty remained in the states, and that the central government was merely an agent for the performance of specified functions, developed the doctrine of states rights in defiance of national authority; but the Union successfully met all challenges, even to that presented by a great Civil War.

Although the national government was intended to be supreme it might not transgress upon the reserved rights of individuals. True, it did not contain a bill of rights until 1791—inasmuch as the government was one of enumerated powers, none was deemed necessary—but it limited the suspension of the privilege of habeas corpus, defined treason, forbade bills of attainder and ex post facto laws, and guaranteed trial by jury.

*Rights  
of the  
individual*

Naturally the functions of the new government were greatly enlarged. Not only were a strong chief executive and judiciary set up, but the legislative prerogatives of the Confederation were transferred to Congress with additional powers which made the Federal Government altogether independent of the states for

*Powers of  
Congress*

<sup>1</sup> The phrase in the preamble, "We the people . . ." became highly significant in subsequent years. However, it was stated thus because no one could foresee in advance which states (enumerated in the first draft) might or might not ratify.

revenue. Moreover, in addition to many "enumerated powers" such as the laying and collecting of taxes, the regulation of interstate and foreign commerce, the coining of money, and the maintenance of armies, Congress could make all the laws "necessary and proper for carrying into execution" these broad powers. In practice this "elastic clause" has been stretched to cover contingencies of which the "Fathers" never dreamed.

*Limitations  
on the  
states*

This enlargement of federal powers was accompanied by a comparable limitation of prerogatives at that time exercised by the states. For example, they were forbidden to make treaties, engage in war unless invaded, coin money, emit bills of credit, or pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; and federal control of interstate and foreign commerce left them with the right to impose export and import duties only under strictly limited conditions.

*The amend-  
ing process*

In thus carefully defining the relative powers of national and state governments, the framers had no thought that future changes in the Constitution might not be necessary. On their guard because of the failures attending efforts to change the Articles of Confederation, they provided a system for amendments whereby Congress by a two-thirds vote of both houses might propose amendments, or, if two-thirds of the state legislatures should demand, Congress must call a convention for that purpose. In either case proposed amendments must be ratified by three-fourths of the state legislatures or by conventions as Congress might direct.<sup>1</sup>

*Origin of  
the Con-  
stitution*

Less difficult than the problem of determining the relationship between the national government and the state, although complicated by many vexatious details, was an agreement as to the frame of government. As previously noted, five days after the Convention organized, a formal resolution was adopted calling for a "supreme legislature, executive, and judiciary." Having made this initial decision, the members drew upon their experience with, or knowledge of, state constitutions, colonial charters, and the unwritten English constitution. Although England was not honored by the adoption of her Parliamentary system, the rela-

<sup>1</sup> The convention method for proposing amendments has never been employed. Ratification by conventions was first resorted to (1933) in the case of the twenty-first amendment, repealing the eighteenth.

tionship established between the states and the central government was essentially the same as that between the colonies and King and Parliament. The Constitution was of English origin, strongly tempered by practical American experience in the separation of powers.

This idea of the separation of powers, with a system of checks and balances, was fundamental in the establishment of a government of three coordinated branches—legislative, executive, and judicial. A powerful legislature, dependent upon the people alone, might, if unrestrained, respond too readily to popular whims. Indeed, several members of the Convention attributed the evils of the country to an “excess of democracy,” and accordingly favored an extended term of office for members of Congress. As finally compromised, a two-year term for members of the House of Representatives (annual elections were then prevalent) was offset by a six-year term for senators—the one representing the common people; the other, wealth and the interests of the smaller states. Moreover the President was given the right to veto bills passed by Congress.

*Separation  
of powers*

Clearly appreciating the need for a strong executive—a lesson learned from the failures of the Confederation—the Convention was nevertheless careful to provide checks upon the President lest he become a dictator. Thus he was empowered to make treaties and appointments, but only with the “advice and consent” of the Senate; nor could he raise troops or money without the vote of Congress. He could check Congress by the veto, but, conversely, Congress could override the veto by a two-thirds vote. The President can not dissolve Congress. Moreover, for “treason, bribery, or other high crimes and misdemeanors,” he may be impeached by the House, and removed from office if convicted by a two-thirds vote of the Senate.

The importance of a federal judiciary was clearly understood by the Convention. However, because several members believed that state courts made inferior federal courts unnecessary, only a Supreme Court was definitely provided by the Constitution. The Congress might create such other federal courts as it deemed necessary. Here, too, provision was made for a great measure of freedom from control from the other branches of government,

*The  
judiciary*

but without complete independence. Judges were made appointive by the President, with the advice and consent of the Senate, and, like all other civil officers, were removable by impeachment. But because their term was during good behavior, they quickly tended to become independent of Congress and the President. This attitude was greatly encouraged by the brevity and elasticity of the Constitution.

*Judicial  
review*

Realizing that an instrument of government which was wholly adequate at a given time might be hopelessly inadequate at another, the framers contented themselves with fundamentals of organization and the exercise of power, leaving to Congress, the President, and the Supreme Court a considerable degree of discretion as to details. In no part of the Constitution is this better illustrated than in the brief Judiciary Article (III), which would not even go into effect until Congress had enacted the necessary legislation. Here (Article III, Sec. 2) it is stated that "The Judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; . . ." And again (Article VI, Sec. 2), "That this Constitution and the laws of the United States . . . and all treaties . . . shall be the supreme law of the land; . . ." Certainly these provisions do not specifically grant to the Supreme Court the power of judicial review, but they contained all the authorization that the members of the Convention deemed necessary.<sup>1</sup> The frequent expression of opinion on the matter by the framers clearly implies that they understood that the judiciary should exercise this power as a means of keeping Congress within constitutional bounds. They were familiar with precedents established by the Privy Council in disallowing colonial legislation contrary to English common or statute law, and also with several cases in which state courts had declared acts of state legislatures void. Not until 1803 (*Marbury vs. Madison*) did the Supreme Court hold an act of Congress

<sup>1</sup>We are here considering judicial review only as it applies to federal statutes. The "supreme law of the land" provision (Article VI, Sec. 2) made clear the superiority of the federal Constitution, laws, and treaties over state constitutions and statutes, and soon after the establishment of the Supreme Court that body began reviewing state laws. The right to do so was seriously challenged for several years, but seldom since the Civil War.

unconstitutional, and only once thereafter (Dred Scott case, 1857) before the Civil War. It was the unpopularity of these and subsequent decisions that emphasized the charge that the Court usurped a power which the framers of the Constitution never intended to grant.

What was the nature of the union of states provided by the Constitution, and what form of government was to be established under it? Obviously, the Union recognized, and in due time established, by this fundamental law was federal rather than unitary in nature, that is, a Union in which the central (or national) government and the state governments stand side by side, each exercising the powers distributed by the provisions of the Constitution; a Union in which neither government, federal or state, independently of the other may constitutionally change the fundamental law. Only by amendments to the Constitution, proposed and adopted through a procedure prescribed by that instrument, may this be done.<sup>1</sup>

*The nature  
of the  
Union*

Historically considered, the nature of the Union has been a highly complex question, as we shall see in succeeding chapters. Until 1861 many a debate flamed over it. Was the United States an indivisible nation or an association of states in which the latter retained their sovereignty, and with it the right to secede from the Union? Not until the Civil War forced eleven of them back into the Union did the conclusion become general that the right to secede no longer (if ever) existed.

The type of government recognized by the Constitution was republican (or representative) rather than democratic in form, as the provisions respecting senators, representatives, and the chief executive make abundantly clear.<sup>2</sup> Shortly after the signing of the Constitution Benjamin Franklin was asked what kind of government had been agreed upon by the Convention. His brief reply not only answered the question but suggested misgivings for the

*The form of  
government*

<sup>1</sup> In a unitary government, for example, England, all power is lodged in the national government. Such a government, it is true, may delegate the exercise of many functions to territorial divisions (such as counties), but may as freely recall them.

<sup>2</sup> Popular governments, commonly called democracies—the essential feature of which is control by the people of the exercise of sovereign powers—may be either democratic (control actually in the hands of the people), or representative (functions of government entrusted to officials chosen by the people).



future which are as pertinent today as in 1789: "A republic, if we can keep it."

*Plan of  
ratification*

Having been finished and signed, the Constitution must next run the gauntlet of the states for approval or rejection. Under the Articles of Confederation all thirteen must give their consent to any change in the form of the central government. The framers knew that in all probability unanimous approval could not be secured, so they took the revolutionary step of declaring (Article VII) the new Constitution to be in effect when ratified by the conventions of only nine states. Conventions, rather than state legislatures, were stipulated in order to give the Constitution the broadest possible basis of popular approval.

In the decrepit old Congress there was a flare of impotence when it received the Constitution for submission to the states; then without a word of protest or approval it did as requested. Only then did the people become acquainted with its contents.

*Anti-  
Federalists*

The first reaction to the Constitution appeared favorable, but the forces of opposition waxed strong and active. Soon the population was divided into Federalists, as the supporters of the Constitution called themselves, and Anti-Federalists. A few prominent members of the Convention, including Luther Martin and Robert Yates, withdrew to start a campaign of opposition before the document was completed; and Elbridge Gerry, George Mason, and Edmund Randolph refused to sign. In addition there were potent leaders in every state, such as Patrick Henry, Richard Henry Lee, George Clinton, and Samuel Adams, who were prepared to battle in behalf of all who feared centralized control. Among the latter were (1) debtors and paper money men who objected to the Constitutional prohibition to the states of bills of credit and laws impairing the obligation of contracts, (2) sectionalists who were jealous either of commercial New England, the slaveholding South, or the blustering West, and (3) lovers of liberty in a generation which, from colonial experience, had learned to distrust consolidation. All these were alarmed at the prospect of setting up a government in which the President and Congress would have more power than King and Parliament had ever wielded over them. What would happen to individual freedom under a government that was not restrained by a bill of rights? Richard Henry Lee expressed the belief that without

Constitutional amendments either tyranny would result, "or it will be prevented by a civil war." A prominent South Carolinian declared that he wished for his epitaph only the words, "Here lies the man that opposed the Constitution because it was ruinous to the liberty of America."

The widespread fear of a strong President was natural enough—it was not many years since 1776. Many there were who sympathized with the dictum, "If your American chief be a man of ambition and ability how easy it is for him to render himself absolute." Patrick Henry pictured the President leading the army to "make one bold push for the American throne." To the present generation it appears strange that the national government was thought of as something alien to their interests—a foreign government which might become invincible in its fortified stronghold. Much of the fear and misunderstanding, it should be remembered, resulted from lack of information, inasmuch as the Constitution had been drawn under a "thick veil of secrecy," and no publicity given to the debates for many years thereafter. Some members of ratifying conventions never saw a copy of the Constitution before meeting to act upon it.

*Fear of  
a strong  
President*

From the standpoint of numbers, the stronghold of opposition was the interior farming districts where least understanding of the Constitution obtained, and where commerce was slight and money scarce. On the other hand, the advocates of the Constitution included a large share of the prominent people of the coastal towns, the financial interests of the North, merchants, a great portion of the large planters of the South, the clergy, and in general those who feared a disruption of society if a strong government were not established. However, in making generalizations, it should be remembered that no clear-cut division existed throughout the country. The very factor that produced a Federalist in one place might make an Anti-Federalist in another. Moreover, although it is customary to emphasize a popular division along economic lines, it appears evident that factors such as the fear of consolidation with an attendant destruction of liberties won in the Revolution, sectional jealousy, and lack of understanding of what the Constitution contained were the more patent causes of cleavage.

*The  
Federalists*

The Federalists were on the defensive, having to justify the in-

"The  
Federalist"

strument they had forged; but their familiarity with its every provision gave them a distinct advantage. Moreover they kept in touch with one another; and through a barrage of expert propaganda not only met the attacks of the opposition but successfully pictured the chaos which might result from the failure of ratification, as contrasted with the prosperity which would follow the establishment of the new regime. Most of the literature of the campaign was of fleeting nature, but in *The Federalist*, a series of eighty-five essays written anonymously by Hamilton, Madison and Jay, we find what is still generally regarded as the clearest exposition of the Constitution as the framers understood it, as well as one of the greatest of all works in the field of political science.

Strategy  
of success

Meanwhile the Federalists in some states were resorting to the strategy of political manipulation as an aid to argument for ratification. In Pennsylvania they deemed it wise to hold a convention before the "cold and sour temper of the back counties" could be thoroughly roused. Thus by physical force they compelled two objecting members of the legislature to attend a session in order to constitute a quorum for calling the convention. Conversely in New Hampshire, where the Anti-Federalists in the ratifying convention proved to be in the majority, an adjournment was secured by the Federalists in order that their opponents might have time to see the light. The maneuver proved successful.

The first  
ratifiers

In spite of unseemly haste, Pennsylvania was the second (December 12, 1787) state to ratify. Delaware was first by five days. In rapid succession New Jersey, Georgia, and Connecticut fell into line.<sup>1</sup> Excepting Pennsylvania, all thus far were small states which

State	Date of ratification	Vote
Delaware	December 7, 1787	Unanimous
Pennsylvania	December 12, 1787	46 to 23
New Jersey	December 18, 1787	Unanimous
Georgia	January 2, 1788	Unanimous
Connecticut	January 9, 1788	128 to 40
Massachusetts	February 16, 1788	187 to 168
Maryland	April 26, 1788	63 to 11
South Carolina	May 23, 1788	149 to 73
New Hampshire	June 21, 1788	57 to 47
Virginia	June 25, 1788	89 to 79
New York	July 26, 1788	30 to 27
North Carolina	November 21, 1789	
Rhode Island	May 29, 1790	

were relieved to have equality in the Senate. Moreover, three of them expected to enjoy commercial advantages under the new government, while Georgia needed protection from the Indians.

The first strenuous contest occurred in Massachusetts. There the Federalists resorted to the strategy of conciliation rather than speed. When the convention met, the Anti-Federalists, hailing for the most part from outlying districts where sympathy for the followers of Shays was strong, counted a majority. How stood Samuel Adams and how John Hancock, governor of the state in consequence of having courted the "Shayites"? It was believed that these old political warhorses could determine the outcome. Adams entertained doubts about the Constitution, and stumbled "at the threshold"; but his misgivings were overcome by the attitude of the tradesmen of Boston, who favored ratification. The Federalists honored Hancock by electing him to the presidency of the convention. Afflicted with the gout (which, it was charged, would disappear when he learned how the wind blew), the governor remained away for several sessions. But Federalists assured him that if he would support the Constitution his chances for the Vice-Presidency were excellent, and that if Virginia failed to ratify he would most certainly be the first President. He swung into step.

*Massachusetts*

A further device for overcoming the doubts of waverers who objected to the lack of a bill of rights in the Constitution was the drafting of several proposed amendments for future adoption by the states. Finally, the fears of several inlanders were mollified by hospitality, and ratification carried by a slender majority. The victory was then celebrated by the friendly consumption of great quantities of punch and cheese. In Pennsylvania similar festivities broke up in a fistfight and the burning of the Constitution.

With little excitement Maryland and South Carolina entered the fold, thus bringing the total to eight before June 1788. But the Federalists were uneasy because New York, separating New England from the other states, and Virginia, the most populous and powerful member of the Confederation, were still to be accounted for. Besides a movement was abroad looking toward a new Federal Convention.

Great interest centered therefore on the Virginia convention

*Virginia*

which sat from June 2 until the 25th. In the conventions of Pennsylvania and Massachusetts (and in New York yet to come) the Constitution had been ably defended; but in Virginia alone was it subjected to the thorough analysis which evenly matched protagonists made possible. Prominent advocates of the Constitution were the self-effacing James Madison, the venerable Edmund Pendleton, the scholarly George Wythe, the fat and shaggy George Nicholas, the dashing Henry ("Light Horse Harry") Lee, the colossal James Innes, the amiable raven-haired John Marshall, wearing a new coat that cost one pound in depreciated Virginia currency, and the polished Edmund Randolph.

The opposition asked no quarter, what with the snow-haired George Mason, Patrick Henry, prematurely old (pushing his wig about when excited) but still the greatest "spellbinder" in America, Theodoric Bland, Benjamin Harrison, William Grayson, John Tyler, James Monroe, and others. The defection of Randolph from the Anti-Federalist ranks probably saved the Constitution. As a member of the Federal Convention he refused to sign the Constitution because its defects, he insisted, should be remedied by another convention before ratification. Washington and Madison won him over, but he did not announce his change of heart until the debates in the Virginia convention began. Opponents of the Constitution never forgave him. But even without his support it appeared that they could not be beaten. The Piedmont and the Kentucky region were strongly opposed. Personal liberties seemed endangered, there was fear of Northern commercial supremacy, and greater fear that Western interests would be jeopardized, as the Jay-Gardoqui negotiations implied. With characteristic energy Mason presented well-reasoned objections to the Constitution. Patrick Henry looked upon that instrument "as the most fatal plan that could possibly be conceived to enslave a people," and with telling effect appealed to popular prejudice. During his dramatic closing speech the crashing thunder of a great storm seemingly came to his aid in picturing the sectional strife which must follow the establishment of the Federal Government.

After three weeks of debate the Federalists secured adoption by a close margin. Several factors, in addition to their expert manage-

ment, help explain their victory. Not knowing that New Hampshire had ratified four days earlier, there was a feeling that the honor of the Old Dominion demanded that she become the ninth state in order that the Union be not endangered by delay. More important was the promise, as in Massachusetts, of a bill of rights. And, finally, formal ratification was accompanied by the proviso that the people of Virginia should have the right to resume "the powers granted under the Constitution . . . whensoever the same shall be perverted to their injury or oppression. . . ."

For still another month the contest in New York continued. There the landed interests and the interior region maintained a *New York* spirited opposition under the leadership of George Clinton. They had a majority when the convention opened in June. With surpassing skill Hamilton directed the Federalist forces. The news that New Hampshire and Virginia had come under the "new roof" helped their cause, but only after the threat of detaching New York City from the remainder of the state was ratification secured by the narrow margin of three votes. Rhode Island and North Carolina did not ratify until after the new government was set up in the spring of 1789, but they were not sufficiently influential to retard the movement.

After the necessary number of states had acted, the old Confederation Congress meekly took the requisite steps for launching the new government, then expired without a formal adjournment. The states should choose electors on the first Wednesday in January 1789; the electors should cast their votes for President and Vice-President on the first Wednesday in February; and on the first Wednesday in March the new Congress should assemble in New York, no other place being agreed upon as the location for the new Capital.

Thus, after a quarter-century of struggle with problems of government—first with England over the colonial status, then under the ineffectual Confederation—a new form of government was evolved, under which the problem of imperial organization was solved without monarchy, and national authority was established without sacrificing any liberty consistent with order. America stood at the threshold of a new era.

## Chapter Fifteen

### ESTABLISHING THE NEW GOVERNMENT

*The first  
national  
election*

IN ACCORDANCE with the plan outlined by the Confederation Congress, the first presidential election resulted in the casting of electoral votes by ten states in February 1789. Since the days of the Constitutional Convention it was understood that Washington would be President; consequently his choice by a unanimous vote of the electors was not a surprise. Eleven men divided the ballots for second place, but John Adams carried off Vice-Presidential honors. Public attention then centered on New York where, temporarily at least, the capital would be located.

That bustling metropolis, boasting a population of 30,000 and anxious to remain the permanent seat of the Federal Government, was soon putting her best foot forward. She offered her city hall, a tribute to the artistry of L'Enfant, to Congress for a "Federal Hall," and girded herself for the amenities of life in a capital city. Came March fourth, but no quorum. In fact, only slightly more than one-fourth of the new senators and representatives were present. Considering the slowness of transportation, great distances to be traveled, and the unseasonable time of the year, it is perhaps not surprising. But to earnest and punctual souls, gravely concerned for the future of America, it seemed that such delay augured ill for the success of the new experiment in government.

*Congress  
considers  
precedents*

Finally, on April sixth, both houses having attained a quorum, the electoral votes were counted, and messengers sent off to notify Washington and Adams. The newly elected Vice-President arrived on the twenty-second and was soon busy with the problem of giving "splendor and majesty" to the government which, in his estimation, should be in the hands of "the rich, the well-born, and the capable." In most respects Adams qualified. Able, punctillious, fussy but thoroughly sincere—he was eager to adopt

such formalities and establish such precedents as would give the new government the best possible chance for survival. For Adams well knew the importance of doing a thing in such a way as to command respect. There should be no attribute of undue informality or careless negligence to start the new government toward oblivion. With the support of some senators of similar mind he tried to secure for Washington a high-sounding title such as "His Highness, the President of the United States of America, and Protector of their Liberties," "Your Serene Highness," or "His Majesty." But such trappings, according to common consent, smacked too much of royalty; and even though cricket clubs had "Presidents," nothing more formal as a title could be agreed upon for the chief executive. Adams' efforts to introduce the impressive ceremonials of the English Parliament met with no better success. Memories of the War for Independence were too fresh.

On the last day of April Washington appeared in Congress, and on a balcony overlooking Broad Street took the prescribed oath of office. Later in the Senate chamber he read his inaugural. Emphasizing the fact that the world was watching us, he urged the necessity of cooperation in order to prove that the American experiment in democracy could endure. Then let men bury their "local prejudices" and "animosities," and strive for the simple virtues. When he had finished, the members of Congress went on foot to St. Paul's for prayers. Thus was the first inaugural day observed.

*Washington  
inaugurated*

The forces that go into the making of history are legion. Some necessarily stand out more prominently than others, and among these may be included an occasional man whose deeds will be remembered as long as history records constructive achievements. Such a man was George Washington. Unlike his successors he did not seek the Presidency, nor is it without significance that he alone has been the unanimous choice of presidential electors—an expression of the universal esteem in which he was held. His reputation had been made as a soldier, but unlike many men of lesser stature he not only would not use his military prestige to further his personal interests but even persuaded the army to subordinate itself to a weak and none too respectable Congress. During the Confederation period he had labored as a private citizen toward

*"Father of  
his Country"*



furthering unity among the states, and as President of the Constitutional Convention threw the weight of his great prestige into the struggle for a national government.

*Personal  
character-  
istics*

Soon after Washington's days were ended a legendary figure appeared. Parson Weems and others were placing him upon a pedestal from which he might receive the indiscriminate homage of posterity. But in more recent years the evaluation which time and careful scholarship make possible has recaptured the real Washington. Thoroughly human he was, though proving it does not justify the undue emphasis through which some writers have attempted to show that Washington in his younger years was too fond of pleasure, and that he gambled, drank, and indulged in profanity. That he could swear with heroic vigor is well attested, and when his temper was given an outing "he was most tremendous in his wrath." But might not provocation conceivably be so great as to excuse the action? Who could hold the indulgence against him when, for example, a subordinate officer failed to follow commands, thus preventing a possible victory which, in turn, might have made the difference between facing condemnation as arch traitor among Americans or becoming the "Father of his Country"? After all, whatever his human frailties may have been is a matter of little moment, for according to the standards and customs of his day he was a fine, estimable gentleman.

*Intellectual  
qualities*

Though not the intellectual peer of Franklin, Jefferson, or Hamilton, the first President possessed a powerful mind, and he brought to his problems something infinitely more important than brilliance—rare common sense, refined taste, and almost unerring good judgment. Time has proved the wisdom of his decisions. Rather cold in outward appearance, he was nevertheless impulsive and warm-hearted by nature. His calm was that of restraint. Conscientious and scrupulously honest, he demanded character in his subordinates, and seldom erred in his appraisal of men. Highly honored is that people and generation which can produce a man of such stature!

*His chief  
ambition*

This great Virginian was loath to accept the presidency. Like so many other Southern gentlemen of that time, his greatest wish was to spend his days on his beloved estate—not in the lazy enjoyment of his declining years, but as an active manager of the many

activities of a great plantation scientifically operated. It was Washington's ambition to be the first farmer in America, and he strove diligently to achieve the distinction. The varied activities which he directed provided full scope for his splendid abilities. Mount Vernon, extending over ten miles along the Potomac, was divided into five farms, each manned by its quota of slaves under an overseer who was required to report regularly and in detail. But this great estate was more than an extensive agricultural enterprise; it was a self-supporting industrial establishment as well. For in addition to the wide variety of activities connected with the feeding, clothing, and housing of the plantation personnel—not to mention the entertainment of guests who swarmed about the place—there were enterprises such as brewing and milling for converting into marketable form the products of the plantation.

However, it was in his experimentations that Washington made his most worth-while contributions. He kept abreast with the latest improvements in agriculture, corresponded with agrarian leaders in England, imported implements and blooded stock, and worked out a comprehensive scheme of crop rotation. Tobacco culture, proving ruinous to the soil, was almost abandoned at Mount Vernon before the Revolution. In its place were substituted wheat, clover, corn, flax, and other crops, with an increase in pasture lands. In 1788 Washington wrote that in spite of a poor crop of potatoes he was "more and more convinced of the prodigious usefulness of this root. . . . I have a high opinion also of carrots." He tried Siberian wheat, also wheat from the Cape of Good Hope, experimented with methods for checking "bugs" and the Hessian fly, tried different methods of soil fertilization, and invented machinery. But his chief experimentations were with livestock. Lafayette presented him with a jack and two jennies (also some French boar hounds which provided much annoyance for their new master but great fun for themselves in chasing his half-wild hogs), while the King of Spain sent a sedate classic in the person of "Royal Gift," a magnificent jack that sensed his importance. Washington hoped to develop mules for the saddle and carriage as well as for heavy work. "Indeed in a few years," he wrote, "I intend to drive no other in my carriage." The records show, however, that he was

*Agricultural  
experiments*

not weaned from his love of Magnolia, a splendid Arabian stallion, and his offspring.

*"Where  
duty calls"*

But duty called again to public service. So from the broad fields and deep woodlands, with winging game birds that darkened the sky, and foxes that challenged to a race with horse and hounds; from his home commanding a broad sweep of the Potomac, half concealed with the mists of morning or placid in the afterglow of sunset—from all this Washington reluctantly parted.

*The prospect  
in 1789*

What of the future when President and Congress faced the tasks of government in April 1789? The prevailing feeling among Federalists was one of hopefulness. Even the Anti-Federalists were willing to give the new government a chance; many, it is true, because it seemed to be a choice between this and anarchy. Patrick Henry, one of their most potent leaders, exemplified what was then, and fortunately remains, one of the fine, sporting characteristics of Americans—his cause having met defeat he would put his shoulder to the wheel in the interest of the common good. There were yet other auspicious signs. Economic conditions generally were greatly improved over the depression of the middle 'eighties, producing as it did a Shays' Rebellion; American ocean-going commerce was spreading over the seven seas, albeit with some discouragements; industry was lively in the North, while Southern planters were finding expanding markets for an increased production of their staples.

*ular  
misgivings*

But there were dark signs, too. A majority of the people had opposed the ratification of the Constitution, fearing a government that might prove too efficient in the limitation of their liberties. Might they not be courting the same sort of danger as that from which they rebelled when they struck against King and Parliament? Even many Federalists were none too confident, Adams believing that the Constitution would not outlast himself, while Washington at times almost despaired. But having made a beginning there was no turning back.

*Obstacles*

The Federalists had to start from scratch, for the new government fell heir to little from the old except a chronic record of failure, a heavy debt, and an empty treasury. The machinery of government must be created, and then made to function without the advantage of a previously trained personnel. Nor was the

country separated merely by thousands of straggling miles of sparsely settled communities: North Carolina and Rhode Island were not even in the Union. The redoubtable Carolinians soon changed their minds, however; but not "obstreperous little Rhody." What is more, she declared that she never would enter the Union. After all, she was the Union! For had not all the others seceded when they scrapped the Articles of Confederation! In due time her economic interests dictated a change of heart.

On a wide frontier truculent Indians were taking their toll in scalps, a gory exercise from which they were not discouraged by the futile efforts of the Confederation. We were not able even to possess the territory which Britain had granted by treaty in 1783. She still clung to the Northwest Posts, greatly encouraging the savages thereby, and at the same time remaining on the ground in order to be ready for her share when the United States should go to pieces. Poland had been partitioned, why not America! Vermonters were conducting independent negotiations with the British, hoping in consequence to enjoy navigation on the St. Lawrence, closed to them since the Revolution. In the Southwest the Spanish were employing several weapons to drive or entice Trans-Appalachia into the net of their orbit, thus breaking up the Union for which Spain cordially wished failure. In the meantime she kept possession of territory which the United States claimed.

*Frontier dangers*

The government of the Confederation had never been able to make commercial treaties with either England or Spain. Consequently both subjected America's growing commerce to such restrictions as interest or opportunity might dictate. In the Mediterranean the Barbary pirates were seizing American vessels and enslaving the crews. The prospect might well have appalled even the stoutest hearts. But Washington and most members of the Federal Government knew not how to run from danger. Had they not defied mighty Britain not so many years before!

*Restrictions on foreign trade*

To what extent should the power of the President impinge upon Congress? This would be determined largely by practice and by the strength of the chief executive; for the prerogatives of the President, as defined by the Constitution, were rather vague. But the makers of the Constitution, as well as most members of

*President and Congress*

*Administrative departments*

the new Congress, realized the imperative necessity for doing things, and consequently were liberal in conceding to the President a large degree of freedom in action. Among the early acts of Congress was the creation of such executive departments as were then considered necessary. These were three in number: "Foreign Affairs" (soon renamed "State"), "Treasury," and "War." Provision was made also for an Attorney-General and a Postmaster-General, but neither headed a department. Inasmuch as the consent of the Senate was necessary for the appointment of heads of departments, Congress might well have followed the Confederation practice of making them responsible to itself. But this was not done in the case of the Secretaries of State and War. Instead, they were made responsible to the President alone. A relationship with far-reaching consequences was thus inaugurated. Moreover, when the first case of the removal of a cabinet officer occurred, the Senate decided that the President was within his rights in doing as he pleased—a prerogative only once seriously challenged by Congress in subsequent years.

*First department heads*

For the State Department Washington favored John Jay, inasmuch as the brilliant Franklin was too old for active service. Jay had served ably on diplomatic missions in Europe and had the direction of foreign affairs during the latter portion of the Confederation period, but he preferred a judicial career. Washington turned, therefore, to his fellow Virginian, Thomas Jefferson, who was at the time American minister in France. Jefferson was enjoying his residence abroad and preferred to continue at his post; but he honored the wishes of the President, and was ready to assume his duties in March 1790. Robert Morris was considered for the Treasury Department, but that gentleman, not entirely cleared from the breath of scandal connected with his management of finances during the Revolution, suggested Alexander Hamilton. Hamilton was willing. For the War Department was chosen General Henry Knox of Massachusetts, an officer whose abilities were quite sufficient to administer the problems of an army of about 800 men.<sup>1</sup> The Attorney-Generalship fell to Edmund

<sup>1</sup> Knox weighed about 300 pounds, and because of his self-complacent and pompous strut invited much ridicule. Senator Maclay commented upon his "Bacchanalian figure." Because the Secretary and his wife were fond of lavish entertainment, Knox acquired the title of "Philadelphia nabob."

Randolph, the polished spokesman for the Virginia delegation in the Constitutional Convention and ex-Governor of that commonwealth.

Should these men play any other role than that of administrative officers? Washington early decided that they should. The result was the "cabinet," suggesting the English body of the same name but with fundamental differences. The Constitution made no provision for official advisers to the President, but it does state that "he may require the opinion, in writing, of the principal officer in each of the executive departments." Washington was not one to make a decision without careful reflection, and in important matters he sought the advice of those in whom he had confidence. Soon he was calling his official family for meeting at his residence. Thus the cabinet appeared before the end of his first term. It is not without significance that Chief Justice Jay was invited to participate, but he declined on the ground that it would be improper for him to express his opinion upon matters that might later come before his court for adjudication. In the light of subsequent history it is a matter of interest also that Adams hesitated to attend cabinet meetings, probably because he feared loss of prestige by associating officially with mere heads of departments.<sup>1</sup>

*The  
"cabinet"*

For years there was uncertainty concerning the relative rights and prerogatives of the different branches of the government. Was the Senate, for example, more important than the House of Representatives? Senators thought so, considered themselves the "upper house," and tried to secure recognition of their pretensions by the other body. But the most they could accomplish was to secure for themselves a dollar per day extra for one year.

*Senate  
vs. House*

In dealing with the President the Senate unwittingly blundered in its efforts to further senatorial dignity and importance. Washington interpreted literally that provision of the Constitution which gives the President power to make treaties "by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur," and early went into the chamber for the purpose of putting through an Indian treaty. But his presence

*Senate vs.  
President*

<sup>1</sup> Although the name "cabinet" was used as early as 1793 it was not recognized in federal statute law until 1907.

proved disturbing, and the results were so unsatisfactory that he did not repeat the performance. Thereafter the Senate was asked only for its "consent," a practice but seldom reversed to this day. Thus the Senate lost its opportunity of becoming an advisory body. Washington created a cabinet instead.

*Problem  
of revenue*

In the meantime Congress labored with other problems, for much remained to be done before the government could function effectively. Because the old government had bequeathed an empty treasury, an immediate and urgent need was revenue for current expenses. As early as April 8, 1789, the House began a discussion of means for raising funds. Differences, mostly local in nature, quickly appeared. Madison and others of like mind wished to enact a tariff law and put it into effect as early as possible, but the forces representing the merchant element of the large port cities strove to postpone action until heavy orders of goods made in anticipation of such a measure might enter duty free. In this they were successful. The act was approved July 4, but did not become effective until August 1, 1789. Meanwhile merchants advanced prices on their goods. Thus, to many people, the first revenue measure of the new government appeared to be class legislation. Various additional conflicts enlivened this first tariff debate. Virginia as a producer of Negroes favored a duty on imported slaves, while Georgia, in need of cheap labor, was opposed. New England, still producing rum, objected to a tax on molasses. She met defeat. "Another molasses battle has been fought," wrote Fisher Ames.

*Tonnage  
Act*

"An Act imposing Duties on Tonnage," approved July 20, 1789, was another measure designed in part to raise revenue. But its chief purpose was to stimulate growth in the merchant marine by giving preferential treatment to American vessels.<sup>1</sup> The results were highly gratifying.

*The federal  
judiciary*

The organization of the federal judiciary, while not so pressing as the need for immediate revenue, was far more important in its

<sup>1</sup> Under its provisions a tax of six cents per ton was imposed on vessels built and owned in America—payable not more than once per year. For vessels built in America but owned abroad the tax was thirty cents, and for all others fifty cents; furthermore, in both cases, the tax was payable on each port entry. The result was a monopoly of the coast trade for American vessels, as well as a great stimulus to shipbuilding.

significance for the future, and represented a great task brilliantly performed. The Constitution made express provision for a Supreme Court and for the appointment, as well as the tenure, of judges. It also defined the limits of the federal judicial power. But the task of organizing the Supreme Court and "such inferior courts as the Congress" might deem necessary, together with their procedure, was left to Congress. The result was the Judiciary Act of September 24, 1789, providing for the organization of a judicial system which has not been changed essentially to this day. With elaborate care the law provided for a system of courts entirely distinct from those of the states—thirteen district and three circuit courts—defined their jurisdiction, and arranged a system of appeals whereby cases involving federal laws, treaties, and the Constitution might be transferred from state to federal courts. Thus, the Supreme Court would be in reality the highest court in America; and the federal Constitution, laws of the United States, and treaties could be indeed "the supreme law of the land."

What amendments should be made to the Constitution in order to satisfy the Anti-Federalists and disarm the fears of those who felt that they might be surrendering their liberties in establishing a federal form of government? During the contest over ratification of the Constitution, the Federalists had contended that the new government, inasmuch as it would be one of delegated powers only, would have no authority to abridge the inalienable common-law rights of individuals. But a large portion of the population was not convinced that the great boon of personal liberty would not be endangered by the omission of specific guarantees in the fundamental law. Thus ratification in several of the state conventions had been secured only with the assurance that such amendments would be made as soon as the new government should be established.

*The Bill  
of Rights*

In June 1789 the growing resentment resulting from the inaction of Congress (busy with pressing problems of organization and revenue) led Madison to present several proposed amendments which he selected from well over a hundred which had been submitted by seven different states. The House finally approved seventeen, which the Senate cut to twelve. Of these the states ratified ten, and so by December 15, 1791, the Bill of Rights



became a part of the Constitution.<sup>1</sup> In these ten Amendments, often considered as an integral part of the Constitution, we find such familiar guarantees as freedom of religion, speech, and the press, and the right of trial by jury.

Contrary to a rather common belief of the present day, the Bill of Rights was not wrung from unwilling Federalists who were loath to incorporate these guarantees of human freedom in the fundamental law. Among the makers of the Constitution were those who had helped draft the various state bills of rights; and this included George Mason, author of the Virginia Declaration of Rights, the first and most famous of them all. The prevailing opinion in the Constitutional Convention, as suggested above, was that such guarantees already existed under the common law, and need not be expressly stipulated in the new organic law. When these same Federalists perceived the popular feeling, they were quite willing to incorporate the desired amendments. The slowness with which the Bill of Rights was added to the Constitution is a commentary upon the lack of excitement concerning principles for which Americans had fought and which they took for granted, rather than any reluctance on the part of political leaders. They too loved freedom no less than the common man.

*Its sesqui-  
centennial*

It was under circumstances of peculiar intensity that Americans on December 15, 1941, observed the sesquicentennial of this grand charter of rights and liberties. With human freedom already snuffed out in great portions of a war-mad world, emotions surged to an all-time high when the Japanese on December 7, after months of careful preparation, made their sneaking and never to be forgotten attack on Pearl Harbor—while their ministers at Washington still talked peace!

*Presidential  
tours*

Many Anti-Federalists were keenly disappointed in the outcome because they had demanded and expected some organic changes in the government. Resentment lingered for a long time; but the success of the government, together with more satisfactory economic conditions, made for general acquiescence. Moreover, Washington helped greatly in popularizing the new regime by

<sup>1</sup> Strangely enough, Massachusetts, one of the states which raised strong objections to the absence of a bill of rights in the Constitution—ratifying it only with the assurance that one should be added—failed to ratify the Bill of Rights until December 1939, one hundred and forty-eight years later.

making a tour through New England in 1789; another into Rhode Island in 1790, after that state had entered the Union; and still another into the South as far as Savannah in 1791. The last trip lasted three months and covered 1800 miles. It was made with the President's own horses.

Governments in modern times have not been able to function for long without revenues. The Confederation Congress did not possess the power of taxation—the most important which a government may exercise—and consequently had not been able to pay interest on the heavy indebtedness incurred by the Revolution, much less reduce the principal. The result was the disappearance of its credit in Europe as well as at home. Several of the states had done as badly. If the new structure of government were to stand, public finances must provide a solid foundation. How was this to be done? Who should direct the labor?

*American  
credit*

The Treasury Department was created in 1789 with the clear intention of making it directly responsible to the House rather than to the President. The House did not create a Ways and Means Committee until after the resignation of Hamilton in 1795; consequently the first Secretary occupied a position of peculiar importance. It is perhaps not surprising, therefore, that Hamilton should consider himself a sort of Prime Minister and Chancellor of the Exchequer. In the light of subsequent events it can not be denied that the appointment of Hamilton was a stroke of rare good fortune for the United States. However, it was not a leap in the dark on the part of the President—Washington did not do things that way. The direction of American financial policies was entrusted to this genius of thirty-two years because Washington well knew his abilities.

*Importance  
of Treasury  
Department*

Shortly before the beginning of the war with the mother country, Hamilton had written anonymous pamphlets which showed a mature grasp of Anglo-American problems. Washington was so impressed that he made him his secretary, then aid-de-camp. In this capacity he served the General for four years. In 1781, Hamilton, not yet twenty-four years of age, wrote a letter of prodigious length to Robert Morris, condemning the evils of inflation and outlining a strongly centralized system of finance, including a national bank. During the Confederation period he

*Hamilton*

continued to work for a stronger government; and that, to his mind, meant a government based upon solid foundations. All this was not lost upon Washington.

*Report on  
the public  
credit*

Hamilton was commissioned as Secretary of the Treasury on September 11, 1789. Ten days later the House called upon him to report on the condition of public finances, and to recommend a plan for establishing the public credit. Hamilton's capacity for long, concentrated labor stood him in good stead: he was ready to present his report (personally, he hoped) when Congress met for its next session on January fourth. But Madison and some other members of the House had different ideas; consequently Hamilton was required to report in writing. This he did on the fourteenth. The paper would have been a worthy monument to an experienced financier. Coming from a man of thirty-two, without practical experience in the management of finance, it was truly remarkable. It must be said, however, that many of the ideas presented were not original. He had drawn heavily upon his knowledge of the British financial system.

*The problem  
and the  
solution*

Hamilton reasoned that a government, like individuals, which fails to keep its pledges can not command respect, and that sound credit was indispensable for the future development of America. The problem, therefore, was to establish public credit immediately; and to do this the national debt, domestic and foreign, principal and interest, must be funded at par.<sup>1</sup> Moreover, and for the same reason, he recommended that the war debts incurred by the states should be taken over by the Federal Government and funded in the same way. And finally, in order to meet the increased new interest charges, he proposed excise taxes and import duties. The plan in its entirety appeared extravagant to its opponents, and invited speculation; it would tend toward a permanent debt for the United States; it was a bid for the support of the propertied class, while it seemed to militate against the poor; and, finally,

<sup>1</sup> Funding is the procedure by which a debt (represented by bonds, usually short-time or "floating", i.e., the kind for which no provision for repayment has been made) is transformed into one that is payable at a distant date, and bearing a fixed rate of interest. Hamilton was recommending, therefore, that the various public securities, regardless of the kind or the market price (at that time, "Certificates of Indebtedness," or bonds, were commonly selling around twenty-five cents on the dollar), should be taken in by the Treasury at face value. The funds with which to do this would be raised by the sale of new long-term bonds.

it mildly encouraged sectionalism. What philosophy of government was behind such sweeping proposals?

Hamilton believed mightily in a strong, centralized government—one which rested upon the support of the relatively small influential class. In England the government was firmly rooted in a favored class which remained loyal because the government preserved its privileges. In America, then, the great merchants, the men of finance and of commerce—the older and more firmly established families—should be won to the support of the government in the same way. Enact legislation which would benefit this class, then in turn its loyalty would preserve the government. But why not extend favors to the common people, and for the same reason? Hamilton frankly distrusted the “great beast,” as he once called them. Let them enjoy indirectly the benefits that would flow from a wise and stable government which knew what was best for them. After all, was democracy not dangerous in the hands of those who knew not how to use it!

*Hamilton's  
purpose*

Among some recent writers it has been a more or less popular exercise to condemn Hamilton for the partisan character of his public service and for his seeming little faith in democracy. Be that as it may, he was vitally concerned over the future of America; and that future, he believed, could best be ensured by a government which commanded the respect of those who had the greatest material stake in its good name.

That the national debt should be funded was taken for granted, but a majority of senators and representatives expected a scaling downward. Hamilton would fund at par! Equally if not more surprising was his proposal to assume the state debts incurred in the Revolution. Even the speculators who had been keenly alert for fat profits ever since the adoption of the Constitution, and especially active since the first intimation that funding might be at par, were not expecting anything so favorable to their interests. So the country was treated to the spectacle of a lively scramble on the part of men of wealth who were sending their agents scouring the country, especially the South, in order to pick up depreciated government bonds, at rates as low as ten cents on the dollar, before the unsuspecting owners had time to appreciate how they were being fleeced. The result was a great concentration of securities

*Funding the  
national  
debt*

in New York, Philadelphia, and Boston, and mounting anger on the part of those who would not profit directly from the consummation of Hamilton's plans.

*Assumption of state debts*

Madison, leader of the opposition, proposed a scheme whereby the speculators should not reap undue profits from their operations; but inherent difficulties caused the plan to be dropped. In the end Congress authorized funding as Hamilton proposed.<sup>1</sup> But assumption of the state debts ran into stiff opposition and was temporarily beaten, chiefly by the efforts of the Virginians. Some of the states, particularly those possessing extensive lands which might be sold for revenue, had paid at least a portion of their war debts; others with heavy debts, like Massachusetts and South Carolina, were not so fortunate. Support or opposition on the part of a given state depended primarily upon the degree to which it expected to gain or lose by making the state debts a common one. The Southern states in general, with smaller per capita indebtedness, opposed the measure; Massachusetts applauded it. What a grand government was this which would saddle her debt upon other states! The temper of Congress was rising; Hamilton's reputation was in danger.

*Locating the national capital*

For weeks the deadlock remained, then Jefferson cut the "Gordian knot." The new Secretary of State, but recently returned from France, had taken his new office on March 22, 1790. Shortly thereafter Hamilton poured into his ear a tale of possible dissolution of the Union unless assumption should carry. Jefferson was eager to cooperate, and conceivably acted without such mature reflection as the problem may have warranted. He gave a dinner, and over the wine a compromise was reached: Southern votes for assumption; Northern votes for locating the federal capital on the Potomac.<sup>2</sup> To Hamilton the permanent location of the capital meant little, but to Virginians it meant much. Hamilton, therefore, got what he wanted without making a sacrifice. Jefferson,

<sup>1</sup>Continental currency (bills of credit) ceased to circulate by the end of the war. "Not worth a continental" soon became a byword. However, under the Funding Act, provision was made for the redemption of bills of credit at the rate of 100 to 1. About \$6,000,000 worth were turned in.

<sup>2</sup>According to the final decision of Congress the capital should be removed to the Potomac—the exact spot to be chosen by Washington—after a ten-year residence in Philadelphia. On August 12, 1790, Congress adjourned at New York. December 6, following, it met at Congress Hall, Philadelphia.

strongly regretting his action, later wrote that he had been duped; but such an explanation hardly does credit to his intelligence.

Hamilton had won his first objectives, and on his rising prestige—and by way of testing the power of government—soon recommended to Congress (December 13, 1790) an excise tax on the manufacture of spirituous liquors. Congress acted favorably, and in due time Hamilton had a "Whiskey Rebellion" on his hands.<sup>1</sup>

*An excise tax*

On December 14 the active Secretary's Report on a National Bank was presented to the House of Representatives. Banks of some variety—receiving deposits, handling bills of exchange, and extending credit—existed in late medieval times, and the famous Bank of England dates from 1694. In colonial America there was nothing of the sort except land banks, which made loans secured by real estate and issued limited amounts of paper money. The first bank in America to perform the functions associated with modern banking—loans and discounts, and the extension of credit in the form of bank notes—was the Bank of North America, founded in Philadelphia (1781) by Robert Morris. Boston (1784) was second, followed by New York in the same year. Baltimore was just launching the fourth when Hamilton presented his report to Congress. The Secretary of the Treasury urged that growing business, and the government, needed the facilities as well as the stable bank-note currency which a great national bank could provide. Specifically, the principal advantages which he believed would result from such an institution were: (1) an increase of actual capital—the result in part of an enlargement of the bank notes in circulation,<sup>2</sup> (2) the greater ease with which the government might secure loans, and (3) greater opportunities for the individual to borrow money, and, because of the increased circulation, to pay taxes.

*The "Bank of the United States"*

Once again the opposition swung into battle, contending that a bank of this kind, with its monopolistic advantages, would hinder the development of state banks; and, anyway, such centralizing tendencies were dangerous. The debate centered, however, upon

*Strict vs. broad construction*

<sup>1</sup> See Chapter XVI.

<sup>2</sup> In other words, Hamilton believed that a bank could create capital (i.e., that the "credit" of the government could be called upon to do the work of capital), an idea that is contrary to a law of economics that capital can be produced only through labor and frugality.

the question of constitutionality. Madison, one of the leading framers of the Constitution, again led the opposition in the House. The powers of Congress as defined by that instrument, he contended, did not include the chartering of a national bank. In due time Washington called upon his cabinet for opinions in writing on the question. Jefferson positively declared against the constitutionality of the bank, and was supported by Randolph. Hamilton argued that the right to establish such a financial agency was clearly implied in the powers delegated to Congress. Washington was in doubt but signed the measure, February 25, 1791.<sup>1</sup> In less than four hours after the books were opened the capital stock of the new bank had been subscribed, and within a year was selling at 50 per cent above par.

*Effect on  
American  
credit*

Such wonderful things had Hamilton done for people of means, and, indirectly at least, for everyone in general except debt-dodgers, that men jumped to new opportunities for financial investment. The wave of speculation which was pronounced at the time of Hamilton's Report on the Public Credit continued with acceleration. Why not? Was not American credit, nonexistent in 1787, unsurpassed in the whole world! By the summer of 1791 United States bonds were selling above par in London. Times were prosperous. Judged by results, Federalist measures were a success. But it was a success made possible primarily by the return of general prosperity rather than by financial legislation; for the current of recovery from the depression of Confederation days was setting in strongly by 1789. After 1793 European wars gave a further stimulus to American production by opening attractive new markets.

<sup>1</sup> The Bank of the United States, chartered for twenty years, was capitalized at \$10,000,000, one-fifth of which was subscribed by the Federal Government. The bank, located in Philadelphia, might establish branches in other cities. Eight were ultimately established. It was given a monopoly in transacting financial business for the Federal Government, and was the depository for government funds. Notes of the bank were made receivable for all payments due the United States. The Secretary of the Treasury might require reports, on demand, on the condition of the bank.

On January 28, 1791, Hamilton reported on the establishment of a mint. Congress provided (Act of April 2, 1792) for the free and unlimited coinage of gold and silver at the ratio of fifteen to one. With a few exceptions the coins authorized at that time are still struck at the United States mints. In 1793 the mint, which was established at Philadelphia, was ready to strike off American coins, but little minting was done for several years.

Hamilton's program did not stop with funding, assumption, and the Bank. On December 5, 1791, he sent to Congress his great report on manufactures. It was a well-reasoned if not original argument for protective tariffs as an aid toward a proper distribution of manufacturing, commerce, and agriculture. But however forceful the logic of Hamilton, it failed to convince the South, just on the verge of new agricultural expansion. Europe, soon at war, provided an improved outlet for American footstuffs. Merchant shipowners were not won over either. Their profits depended upon the volume of trade, and they did not take kindly to a tariff that might limit it. So Hamilton's arguments had to wait for a later generation.

Some results of Federalist measures were far from pleasant. State jealousy had been aroused; agrarian classes looked with bitterness upon the waxing fortunes of men who profited richly from funding and assumption; and men close to Hamilton were caught in the toils of questionable ventures that failed. William Duer, his first assistant secretary, speculated extravagantly in lands and government bonds, finally landing in jail. Henry Knox dabbled extensively in Maine lands, bringing criticism on his head. Hamilton's personal honesty in financial matters was above reproach, but he could not escape criticism. Jefferson wrote to Washington protesting against the "corrupt squadron" in the Treasury Department, but the most withering fire of the Virginian's attack was centered on members of Congress. Hamilton's measures could not have been carried, he declared, without the votes of "the very persons who, having swallowed his bait, were laying themselves out to profit by his plans." Available records prove that Jefferson was right, and that the Assumption Bill could not have been carried had the men who stood to profit from its operation withheld their votes.<sup>1</sup> After all, it is the exceptional member of a legislative body whose voting is not affected by his economic interests, and therein lies the explanation for the temporary success of Hamilton's program. But he failed in his greatest objective—national solidarity—because he played for the

*Discordant  
notes*

<sup>1</sup> Twenty-nine out of the sixty-four members of the House were holders of securities. Senator Maclay wrote in his diary that he feared the "members of Congress are deeper in this business (speculation) than any others."



support of a relatively small class, and that class to a large degree resided north of Virginia.

*The basis of  
sectionalism*

*New  
England*

A brief review of divergent conditions in New England and the South, together with the reaction in each toward Hamilton's measures, will suffice to make clear an understanding of the Secretary's popularity in one section and unpopularity in the other. New Englanders, not blessed with sufficient fertile soil to make farming a pleasure (unless to the rare soul who might bring the cardinal virtues of frugality and dogged perseverance to the support of a strong back), early turned in considerable numbers to various other pursuits, including shipbuilding, ocean fishing, slave hauling, rum making, and commerce in general. The most powerful class was the merchant shipowners who knew from business experience the value of sound money and credit, honesty, and punctuality. They derived solid satisfaction from the financial measures of the new administration. That revenue was necessary for the Federal Government they accepted without quibbling, and inasmuch as the tariff rates were low the volume of their business was not adversely affected. Rum makers, to be sure, might rant against the duty on molasses, but that business was not so important as in the days when colonists were prepared to do violence in its behalf.

Shipbuilders and owners, moreover, were benefiting from the operation of the tonnage act of 1789. Fishing towns were bustling as a result of the bounties on dried codfish. Much of the profit reaped by individuals through funding, as carried out by the Federal Government, went into the pockets of this section. Massachusetts had the largest war debt of any state, and profited proportionately from the assumption of state debts by the Federal Government. It is not surprising that the Lowells, the Cabots, and other thoroughly solid and respectable families took Hamilton to their bosom, nor that Massachusetts should long remain the citadel of Federalism, and the special object of distrust in the South.

*The South*

The South, almost entirely agricultural, could not accept voluntarily a financial system which seemed to offer nothing but increased taxes without compensating advantages. Whether geography, climate, heritage, or natural inclination is to be credited

with the responsibility, the fact remains that the Southern planter commonly indulged in a manner of living which seldom yielded large financial rewards in the long run. Yankees or foreigners commonly conducted his shipping, while agents of mercantile houses in Britain took a great share of what was left of the profits. If knowledge of finance was not uncommon, successful management of it was. Debts were an awkward inconvenience to be handed down, together with lands and slaves, from father to son. Virginia, most populous of all states, producer of more great men than any other, and until long afterwards spokesman for the South, was the center of opposition to Hamilton's program. Why, having liquidated a great share of her own war debt, should she help pay that of Massachusetts?

The rivalry between these states, typifying the sectionalism which ultimately defeated Hamilton's hope for national unity, lasted until a great war between North and South finally compelled the latter to submit. Indeed, Hamilton must have sensed the outcome when, having read Virginia's protest of December 16, 1790, against the Assumption Bill, he wrote: "This is the first symptom of a spirit which must either be killed, or will kill the Constitution of the United States." But the final day of reckoning was far in the future. In the meantime the elect of Massachusetts remained rather complacent in the security of its spiritual and economic superiority, while the Virginia aristocracy, with fine scorn for anything less worthy, clung to some archaic ideas about liberty, idealism, and the importance of the individual, and persisted in the leisurely pursuit of an agrarian life patterned slightly after the lilies of the field. The Southern way, as indulged by the privileged few, yielded more beauty if less pecuniary profit.

The breach between Hamilton and Jefferson, beginning as early as 1790 and providing one of the bases for rival political parties, was not the result of personal rivalry. It was rather the inevitable consequence of a clash between two widely different philosophies of government resulting from equally divergent ways of thinking and living as typified by Massachusetts and Virginia. Hamilton and Jefferson provided the focal point for expression and leadership.

Hamilton came of good stock. He inherited many fine qualities

*Enduring  
rivalry*

*Hamilton vs.  
Jefferson*

from his Scottish father and French mother, and was one of the most brilliant men of his generation. Handsome, frank, animated in conversation, and possessed of charm that few could resist, he usually obtained what he sought. Thoroughly honest in his discharge of public duties, he was nevertheless capable of taking steps which can be defended only by assuming that the end justifies the means, and was not above intrigue or even petty spite if his vanity was wounded.

Jefferson, too, was of good blood. His father was a man of high character and great native ability. His mother was a member of one of the oldest, most honored, and influential families of Virginia. Jefferson's powerful if somewhat angular frame was in striking contrast to the slight physique of his great rival, while his usual carelessness in dress did not offset the unattractiveness of reddish face and hair. By virtue of his authorship of the Declaration of Independence and *Notes on the State of Virginia* (first printed in France), Jefferson was an international figure. Hamilton was not; but no pen had done such yeoman service in the struggle for the ratification of the Constitution as that of this arch champion of Federalism.

Hamilton's youth was spent in near poverty, yet he grew up to distrust the poor. Jefferson inherited valuable property, and was at home with the slave-holding aristocracy of Virginia, but he did not lose faith in the common people although he wished governmental control to remain in the hands of superior men chosen by some democratic process. Hamilton did not care particularly how the able men should be elevated to office, and did not shy from monarchy. Hamilton was a conservative, seeking stability and security; Jefferson a liberal, not afraid of experiments and change—providing they were not radical. Hamilton was a realist, Jefferson an idealist whose hopefulness tempered what he knew to be the shortcomings of the people. Hamilton's interests were somewhat limited: Jefferson's were catholic, ranging from ancient languages through a dozen fields, including music, botany, and architecture, to the invention of mechanical gadgets. In fact, he seemed to have fairly extensive knowledge about almost everything except finance—Hamilton's specialty.

Hamilton visualized an industrial America dominated by a

small privileged class. Jefferson resisted Hamilton's measures designed to encourage industry because he feared the growth of great cities with a propertyless proletariat, like that of Europe, which would endanger the Republic. He dreamed instead of an agrarian America in which every man might become lord over his own acres.

Favored with a dominating personality, Hamilton gloried in oratory and was sometimes tactless in practical politics; Jefferson, inclined toward self-effacement, shunned the rostrum and was usually tact personified. Hamilton led the forces that stood for a strong central government dominated by "the wise and good and rich"; Jefferson joined the opposition and in time became its chief organizer.

Political factions had existed in the colonies and later in the states. During the struggle over ratification, people had separated into Federalists and Anti-Federalists; but with the adoption of the Constitution the main reason for division was gone. The underlying social and economic forces which were responsible for the alignment remained, however, and easily came into play over domestic issues during the first year of Washington's administration. It was only natural that the Federalists, having won the victory of ratification, should dominate all branches of the new government and, when cleavage in Congress began, should provide a powerful nucleus for a political party. The Constitution made no provision for party government, and Washington deplored the idea that such should ever obtain. He liked to think that other public-spirited men, even as he, would forget partisanship and serve in the interest of the common good. But because most men are cast in molds of a different nature, the conflicting interests roused by Hamilton's proposals (funding, banking, and others) tended as early as 1789 to separate members of Congress into political groups. Thus domestic issues with an economic foundation started the cleavage which crystallized in two national parties—Federalists and Republicans—early in Washington's second administration.<sup>1</sup>

*The basis  
for parties*

<sup>1</sup> The Jeffersonian Republican party, sometimes called the Democratic-Republican party, has had a continuous life to the present day. By the time of Andrew Jackson's presidency it became the Democratic party. The Republican party of present time was formed in 1854 over the issue of slavery.

Jefferson  
organizes  
opposition

Hamilton early seized the opportunity for organizing the stronger group—men of finance, merchandising, and commerce—to the mutual advantage of that class and a powerful national government. Jefferson concluded almost immediately after becoming Secretary of State that Hamilton's policies were dangerous, and so sharpened his pen to oppose them. It was only natural that he should join forces with representatives of the debtor and agrarian elements in opposing the common enemy. But Hamilton had an advantage of several months for consolidating his forces, together with the preponderant weight of governmental prestige. Starting virtually from scratch, laboring with men noted for independence, whether planter or frontiersman, lacking the wealth which Federalists commanded, and at first almost without a supporting press, Jefferson's task was not an easy one. Fortunately for him, Madison's split with Hamilton over funding and assumption paved the way for the political unification of Virginia. Many leaders of that state had labored for the establishment of the new government, but Hamilton's measures had now driven most of them into opposition. Patrick Henry, on the other hand, was the one outstanding opponent of the Constitution in 1788 who would not join Jefferson's new party. In 1795, for reasons never clearly explained, he definitely swung over to the Federalists. So Virginians and others of similar mind consolidated their forces under the patient skill of Jefferson, using with honest intentions many of the weapons since employed by political leaders.

Fenno vs.  
Freneau

Hamilton had encouraged John Fenno to establish in 1789 the *Gazette of the United States*. When the capital was moved to Philadelphia, Fenno and his sheet trailed along, enjoying some government printing together with Hamilton's favor as mouthpiece for the Federalists. Without comparable press support the opposition leaders faced a real obstacle. Madison, Henry Lee, and Aaron Burr took the matter to heart. The result was the bringing of their Princeton classmate, Philip Freneau, to Philadelphia where he established the *National Gazette* in October 1791. A decisive influence in Freneau's decision was the small salary which he was offered as translating clerk in the State Department, plus a priority of news respecting the department. Soon the rival editors were paying their respects—each to the other and his friends—in scathing

rhetoric. Poetry abetted prose in driving home the barbed shafts. Never did newspapers perform greater service in sharpening political antagonisms. By the spring of 1792 the rivalry between Hamilton and Jefferson—reflected in the two papers—had become so bitter that the latter offered to resign. Hamilton then suggested that both quit office, but Washington prevailed upon them to remain. He was striving mightily to prevent a break, thankful for each passing month that nurtured the government through the dangerous years of its infancy.

Republican leaders approached the election of 1792 with a considerable degree of confidence. Hamilton's measures had roused opposition as well as enthusiasm. A sharp financial crisis in 1792 caused suffering among speculators, and the West was displeased with the government's handling of the Indian problem. Jefferson joined forces with Governor George Clinton of New York, who had fought ratification of the Constitution and in consequence got no federal patronage, and Attorney-General Aaron Burr, of the same state, whose Tammany following was already an important factor in the politics of that commonwealth. On the whole, Republican prospects seemed favorable, but only if Washington should not consent to a second term. Adams could not inspire enthusiasm, yet his chances seemed as good as those of other Federalist leaders. Both Hamilton and Jefferson, together with other prominent men, begged Washington to reconsider his intentions of retiring to private life. Finally, with great reluctance, and later with deep regret, he complied with their wishes. So for the second time Washington was the unanimous choice of the electors. Adams, however, received only seventy-seven votes, while Clinton on whom Republicans had placed their hopes for second place received fifty. But the Republicans gained a majority of seats in the House of Representatives. Their star was in the ascendant.

## Chapter Sixteen

### FRONTIER PROBLEMS, 1789-1796

*Nature of  
problems*

**A**MONG the problems confronting the new government, and pressing for solution, were several presented by conditions on the frontier. Land-hungry speculators and home-seeking pioneers crowded upon Indian lands—the red men, in turn, offering resistance that was stiffened by material and moral support from British and Spanish officials and traders. The Confederation government had made efforts toward (1) the removal of the British from the Northwest trading posts, (2) the recognition by Spain of American boundary claims and the opening of the Mississippi, (3) the removal of Indians from desirable land, and (4) the working out of a satisfactory land policy. But its failures were so nearly unanimous that frontier discontent found frequent expression, sometimes even in threats of secession.

*Congress  
indifferent*

What could the new government do to remedy these ills? Washington clearly appreciated the serious nature of the problems, and early gave his attention to them. But he found an indifferent Congress which, according to his diary of May, 1790, was disposed "to pay little attention to the western country because they were of the opinion that it would soon shake off its dependence on [the Federal Government], and in the meantime would be burdensome to it." In one respect—danger of disunion—the problem of the Southwest appeared more threatening than that of the Northwest; but while Spanish influence was hated, British strength was both hated and feared. The Northwest, therefore, was the region which attracted most attention even though effective action on the part of the central government was slow.

*Settlements  
in Northwest*

White men continued to invade the Northwest Territory in spite of an unsympathetic government and in defiance of Indians who gave point to their determination that "the white man shall

not plant corn north of the Ohio" by frequent indulgence in scalping parties. By 1790 the Marietta settlement boasted a thousand inhabitants, a population more than matched by the Cincinnati area where the staunch Federalist, Arthur St. Clair, had reigned as governor since the spring of 1789. Squatters were still more numerous than the combined total of the two orderly settlements, and in addition there were the little old French towns such as Vincennes. Across the river, Kentucky, having passed real Indian dangers, claimed nearly twenty times as many.

St. Clair's difficulties in trying to safeguard the lives and property of white settlers, as well as the rights of the red men, were greatly aggravated by the hazy ideas entertained by the latter respecting land ownership and cession. At Fort Harmar in 1789, after long-continued conferences, all interested tribes had signed a treaty for the cession of the right bank of the Ohio. But this did not mean removal of the Indians. To them land was something provided by the Great Spirit for common enjoyment. Private property in land had no meaning to most of them; consequently chieftains might sign a treaty without realizing the full significance of their action. Moreover, the loose authority of headsmen over the braves was such that often only those who signed a treaty felt bound by its terms. Finally, the Indians knew that the United States was not able to possess and occupy all the territory called for by the treaty of 1783. Under the circumstances it was only natural that the Indians should expect assistance from their old allies, the British—defiantly retaining the Northwest Posts—and that they should give ear to fur traders who provided the means for resistance to the hated "Long Knives."

Only a showing of martial strength seemed likely to relieve the situation; so in 1790 St. Clair sent Colonel Harmar with a small force to make a demonstration toward the Maumee region. With



*St. Clair's  
defeat*

Pay was fixed at something less than three dollars per month, a pittance that attracted so few good men that Eastern cities, and even prisons, were combed for recruits. With such material St. Clair was ordered to take the field. But not until October 1791 was he able to lead his army away from Fort Washington—his men had taken their time in straggling down the Ohio to that place of meeting. St. Clair's plan (a chain of forts to protect his advance) was sound, and with trained soldiers he might well have brought peace to the frontier. Bad luck stalked his advance. In early November, 100 miles from Cincinnati, he was the victim of a surprise attack which demoralized his army and sent it scurrying homeward. Over 600 men were killed, and most of the remainder were wounded.

*Anthony  
Wayne  
chosen*

Indian contempt grew apace, and trivial demands became bolder: the red men must have nearly all the Northwest Territory. The British hinted at a buffer state. Washington was bitterly disappointed with St. Clair's failure—the first military defeat of the new government. There was no alternative but to try again. The President's next choice of commander fell upon "Mad Anthony" Wayne, a man who could strike with dash and courage, but one who also knew the value of preparedness before dashing. Wayne demanded 2500 soldiers, and this number Congress authorized for so long an enlistment as would be necessary to make peace with the Indians. Wayne collected his men in the summer of 1792, drilled them several months, then had them descend the Ohio to Fort Washington. Finally he moved along the line of forts which St. Clair had built, and then, a little beyond the last one, constructed Fort Greenville where he wintered in 1793–1794. Early the next summer 1600 mounted Kentucky riflemen, as tough fighters as ever chased an Indian, joined him. "The chief who never sleeps," as the Indians learned to know him, was ready for a fight to the finish.

The red men had been given a chance to negotiate, and in the summer of 1793 Washington sent commissioners to a great council held at Sandusky. But efforts toward conciliation were disrupted by the lieutenant-governor of Upper Canada (Simcoe) and British traders. Muskets, ammunition, knives, and provisions came freely from Canadian government commissaries. Ostensibly

for the purpose of aiding the Indians in their hunting, guns might nevertheless be trained on human game, and skinning knives made to serve in the removal of scalps.<sup>1</sup> Not the least disturbing news from the border was the speech which Governor Dorchester of Canada made to a delegation of Indians in February 1794. Predicting an early war between Britain and the United States, he permitted them to understand that they might expect aid from the British in driving Americans from the Northwest Territory. Widely circulated among the Indians, it made a strong impression—likewise in Philadelphia where it was not supposed to be known. *Dorchester speech*

British officials believed Wayne's objective to be Detroit, and they knew that his forces were larger than all available troops in Canada. Therefore, as a "defensive measure," Fort Miamis was rebuilt and garrisoned about twenty miles inland from the mouth of the Maumee, and about a hundred southwestward from Detroit. Retaining posts along the international boundary was bad enough; but establishing a new one many miles inland was adding almost the last straw to injuries long sustained. When Washington learned about the fort he ordered Wayne to reduce it if it stood in his way. Such action might well mean war with England, but the limit of Washington's patience was sometimes reached. *British invade Northwest*

Taking the offensive in the summer of 1794, Wayne advanced toward the Maumee. Major Campbell warned him to keep his distance—Wayne built a new fort, naming it Fort Defiance. Once more Wayne offered peace to the Indians. They refused and took their stand at a place near the British fort where trees had been uprooted by a tornado. Here, August 20, Wayne charged them. For a time the savages held their ground, then scattered, many of them running toward the British fort. Indians running for cover were swift, but so were mounted Kentuckians with battle-heated blood. The encounter lasted forty minutes and covered several miles. Arriving at the fort the Indians found it closed to them—a fortunate thing, in all probability, for otherwise our second war with England might well have started then and there. Once more Wayne offered peace; but until the news of Jay's treaty was carried *Battle of "Fallen Timbers"*

<sup>1</sup> Scalp collecting was not an Indian monopoly. In 1794 a number of subscriptions were made in Cincinnati to a fund for rewarding the taker of Indian scalps. Later, an act of the territorial legislature offered from \$95 to \$136 for each scalp taken, providing the left ear was "pendant."

among the Indians (in 1795) the influence of Lord Dorchester was still strong enough to induce many of them to refuse the overtures of the American general, hoping as they were that the United States would be required to establish the much-talked-about buffer state.<sup>1</sup> Instead, Jay's treaty called for the surrender of the Northwest Posts; thus the Indians realized that peace with the surrender of territory was their only alternative.

*Treaty of  
Greenville*

In June 1795, at Fort Greenville, the great peace conference was opened. In the course of time over 1100 warriors, representing all the tribes of the Northwest, were gathered and on August 3 the assembled chieftains affixed their marks to the Treaty of Greenville, surrendering a great portion of what is now the state of Ohio. More than fifteen years of fighting in the Northwest was to be followed by almost as many years of peace.

*Spain and  
Southwest  
Indians*

Border Indian warfare was not confined to the Northwest. But while Washington was thinking in terms of military force as the only solution for British-encouraged savages north of the Ohio, he turned to diplomacy in dealing with the powerful tribes of the Southwest. Spanish relations with the formidable Cherokees, Creeks, Choctaws, and Chickasaws had been a mighty influence of ill portent for the United States during the Confederation period. After 1784, when the Creeks entered into a treaty with Spain virtually acknowledging the protectorship of His Catholic Majesty, Alexander McGillivray, quadroon head chief of the Creeks, was the most powerful influence for good or evil among all the Indians of the Georgia-Tennessee border. Able, unscrupulous, with a gift for intrigue, and recipient of a Spanish pension, he proved a powerful liaison between Spanish officials and the Indians, both working against the Americans.<sup>2</sup>

Soon Creeks and Cherokees were well supplied with weapons, and with their Spanish loyalty sweetened by gifts, plus the fair

<sup>1</sup> The idea of a neutral Indian barrier state in the Ohio Valley, where whites might trade but not settle, goes back to the French and Indian War. Spain, it is remembered, in 1782 at Paris demanded such a state south of the Ohio. Hammond, the first British minister to the United States, soon after his arrival in 1791 proposed a buffer state around the Great Lakes. Jay's Treaty (1794) temporarily put an end to the matter, but the British returned to the idea at Ghent in 1814.

<sup>2</sup> McGillivray's father in earlier years had stood between Creeks and Georgians. But during the Revolution, since he was a Tory, Georgia repaid the kindness by confiscating his property. The son could not forgive the injustice.

terms in trade which the firm of Panton, Leslie and Company was required by Spain to give, they harried the white settlements along the Tennessee and Cumberland. Frontiersmen of that day commonly did not linger at their fireside for repeated Indian attacks. Thus the Confederation period came to an end with savage warfare flaming along the Tennessee border and well southward into Georgia.

As soon as the new Federal Government was established, pleas for help poured in upon Washington. Unless decisive action should be taken, and that soon, frontiersmen threatened war; and war might well involve Spain. The situation was further complicated by the operations of the Yazoo Land Companies which had received grants of land from Georgia in 1789. Most of the land thus granted to speculators was in the Mississippi-Alabama region north of the Yazoo Strip,<sup>1</sup> but a portion was in the strip south of 32° 28' still claimed by Spain. One of the Yazoo companies made overtures to the Spanish governor, promising recognition of Spanish authority if settlers were not molested. In the face of this situation one of the earliest official acts of Washington was to issue a proclamation calling upon the people to have nothing to do with the project. Governor Blount (Southwest Territory) was directed to enforce the proclamation and to keep settlers off the lands in question since they had been guaranteed to the Choctaws and Chickasaws by the Treaty of Hopewell in 1786.

The situation, in view of the Spanish angle, demanded diplomacy. Washington, therefore, invited McGillivray to come to the capital. Scenting pecuniary advantage, the wily plantation lord mounted his good horse and, accompanied by several Creek chiefs who rode in wagons, made a leisurely overland trip to New York. There, after a round of lavish entertainment, a treaty was signed, August 7, 1790, by which the Creeks agreed to keep the peace. But to secure McGillivray's consent to this solemn engagement it had been necessary to pay him \$100,000 for the losses sustained by his father in the Revolution, a salary of \$1800 per year and a brigadier-generalship, and compensation to the Creeks for land

<sup>1</sup> This was territory claimed by Georgia and finally ceded to the Federal Government in 1802. The Yazoo Strip was between the latitudes of 32° 28' and 31°, and was claimed by Georgia, Spain, and the United States. See Chapter XIII.

taken by Georgia. Fairly generous terms considering the leanness of the federal coffers!

*Duplicity of  
McGillivray*

The Treaty of New York soon proved to be utterly futile as a means for solving the problem of the Southwest, for no sooner had McGillivray returned to the Creek country than scalping raids inflamed the border anew. In July 1792, persuaded by argument and a promised salary of \$3000 per year, the Anglo-Creek Janus signed a treaty with the Spanish governor, Carondelet, repudiating the treaty so recently made with the United States. In spite of this double-dealing, McGillivray pretended to keep faith with the United States until "gout in the stomach" and pneumonia brought him to his death in 1793.

*Tennessee  
solves her  
problem*

Still striving during these years to reach a settlement with Spain concerning commerce, boundaries, and the Mississippi, the United States forswore war with the Southwest Indians. So with patience exhausted the Tennesseans took matters into their own hands. In 1793 John Sevier invaded the Cherokee country with satisfying results, while a year later James Robertson dealt the Chickamaugas a blow from which they never recovered, and also paid his respects to the Chickasaws. Peace then reigned on the southern border.

*The  
"Whiskey  
Rebellion"*

While the Federal Government was seeking a solution for Indian problems it was forced to meet resistance of a different nature on a nearer frontier. In fact, in the same month that Wayne crushed Little Turtle's braves at Fallen Timbers, Washington called for troops to suppress the "Whiskey Rebellion," as the Allegheny disaffection was rather contemptuously called. In this back-country insurrection are to be found factors of wide significance. Excepting, possibly, its far-reaching political consequences, the elements of chief importance were: first, the question of the enforcibility of federal laws; and second, the hardships of frontier economy, aggravated as they were by a federal tax.

*Purpose in  
excise tax*

Inasmuch as the revenues provided by the tariff and tonnage acts of 1789 were not sufficient to pay the way for Hamilton's financial operations, a new source of supply must be found. In proposing an excise tax on the making of spirituous liquors, Hamilton was not unmindful of the opportunity thus provided for taxing one class which had opposed adoption of the Constitution. He could not have found a way better calculated to arouse frontier

opposition, but he welcomed the opportunity for proving that a tax could be collected forcibly. Let the frontiersmen feel the power of the new government! Ordinarily they would have little contact with it or its agents. How, then, were they to know that the weakness of the old had not carried over to the new? Revenue agents, going everywhere to make collections, would carry in their persons the majesty of the law; and poor farmers could help supply the revenue necessary to meet new interest charges connected with refunding operations which, incidentally, were enriching many of the better established citizens in the East.

The Excise Act of March 3, 1791, imposed a tax on all spirituous liquors produced in the United States. Rum makers of New England did not resist. Theirs was a declining business. The tax on molasses was something of a blow, moreover whiskey was becoming the common tippie. Easterners, whether producing whiskey or rum, acquiesced in the law, but on the frontier, where farmers commonly made whiskey from their surplus corn and rye, opposition to tax collection developed early and extended throughout the mountains from Pennsylvania southward. Whiskey was a concentrated product representing the difference between mere existence and a small income. No moral issue was involved, for whiskey making was as honorable as growing corn, and whiskey was marketable. Most streams of the affected area flowed ultimately into the Mississippi. But that river was closed except to those rare individuals who possessed enough specie to intrigue Spanish officials. Usable roads eastward were nonexistent. Grain might be fed to pigs, and in converted form provide its own transportation to market. This expedient was sometimes resorted to, but for most frontiersmen was out of the question. Whiskey, moreover, was a common medium of exchange, with a standard value of fifty cents per gallon in parts of the mountains. A tax of seven cents per gallon, therefore, was considered highly confiscatory.<sup>1</sup>

*Frontier  
difficulties  
and reaction*

<sup>1</sup> Because of opposition to the law, manifested by resolutions adopted by the legislatures of Virginia, North Carolina, and Maryland, some changes were made by the Act of May 8, 1792, relieving the situation for the smaller producers. The new tax on farmers was seven cents per gallon, unless the producer wished to pay according to the capacity of his still.

By Act of March 3, 1797, the tax was still further reduced.

The Monongahela Valley of southwestern Pennsylvania, peopled largely by Scotch-Irish, with a long tradition of resistance to oppression, was the scene of most violent opposition to the enforcement of the law. Here a new struggle for liberty began. A considerable number of the residents, including Albert Gallatin, urged moderation; but their counsel prevailed only to the extent that a declaration of independence was probably prevented. Liberty-loving Americans resisted the inquisitorial Stamp Tax in 1765; why then not resist a similar measure which seemed to single out the frontiersmen for special taxation! A special grievance was found in the provision for trial of offenders in federal courts only. Philadelphia, seat of the nearest one, was over 200 miles away.<sup>1</sup>

*Suppression  
of rebellion*

In July 1794, after more or less orderly protestations by the moderates and still-smashing on the part of the western "Whiskey Boys," an attempt to serve warrants against men charged with law violation precipitated a bloody clash. In a short time 2000 armed men threatened to attack the federal garrison at Pittsburgh; but thinking better of it contented themselves with marching about the town and overawing the citizens who trotted out "rare old whiskey in the cause of peace." Inasmuch as the governor of Pennsylvania could not handle the situation, only one course of action remained for Washington: the law must be enforced lest the Federal Government court its own destruction. To the President's call upon Pennsylvania, Virginia, and Maryland for 15,000 militia a ready response was made, and by the first of September 12,000 men were ready to march under the command of "Light Horse Harry" Lee. Hamilton accompanied the army, ready to ferret out the leaders of the insurrection, for whom he recommended severe punishment. Twenty men were taken to Philadelphia and tried for treason. Two were convicted but Washington pardoned them—an act of humanity which was widely approved.<sup>2</sup>

*Significance*

Thus in a trying situation the Federal Government showed its capacity to meet serious disaffection and enforce its laws, winning

<sup>1</sup> In 1793 the law was modified, permitting trial in western Pennsylvania, but the amendment was too late to affect the outcome.

<sup>2</sup> One died before the trial. One of those convicted was insane and the other was a simpleton. Seventeen were acquitted.

thereby greatly increased prestige and respect, if not love. But there was bitter irony in the use of an army four-fifths as large as the combined French and American forces at Yorktown for the purpose of quelling some poor frontier farmers whose economic need and sense of wrong, coupled with a spirit of independence, impelled a course of action like that which had led to open rebellion against George III. It seems highly probable, however, that the use of so large an army was not dictated entirely by the need for overawing a handful of aggrieved frontiersmen.

By the spring of 1794 relations with England were approaching the breaking point.<sup>1</sup> The Pittsburgh area seemed the proper place to make a demonstration for the benefit of the British government, whose minister, George Hammond, looked upon the Whiskey uprising as a gauge of American strength. During the summer, as previously noted, General Wayne slowly advanced northward in defiance of the British on the Maumee, and with orders from Washington to reduce Fort Miamis if it stood in the way. Certainly a large army in western Pennsylvania would be impressive if war should break out with the British in the Northwest. That over 2000 men were left in Pennsylvania until the crisis in the Ohio country was passed can hardly be considered a mere coincidence. At any rate, Washington's handling of the problem had an efficacious effect upon Anglo-American diplomacy.

Offsetting in a measure the grievances nursed by the West respecting taxes and Indians was the creation of new states by the Federal Government. The Ordinance of 1787, with its orderly plan for raising raw territories to eventual statehood, was reenacted by Congress into statute form, August 7, 1791. The continuance of the principle of self-government was thereby assured. Of more immediate importance was the admission of Vermont, Kentucky, and Tennessee.

*Admission  
of new  
states*

Vermont, admitted by act of Congress, February 18, 1791, had endured through many years of discouragement.<sup>2</sup> The Confederation government could not afford to grant statehood over the opposition of New York, and under the Federal Constitution it could not be done without her consent. New York finally sig-

*Vermont*

<sup>1</sup> See Chapter XVII.

<sup>2</sup> See Chapter XII.



nified her approval in 1790, and Vermont became the fourteenth state.

*Kentucky*

Kentucky was never an organized territory of the United States, nor did the Federal Government possess land there. After 1776 she was simply Kentucky County, Virginia. Here James Wilkinson used his powers, sharpened after 1788 by Spanish gold, in support of a scheme to detach the region from the United States. But other influences prevailed, and Kentucky took her place in the Union in June 1792.

*Tennessee*

The formative years of Tennessee had witnessed the "State" of Franklin, and also fierce Indian resistance complicated by Spanish influence. After May 1790 she was the major portion of the Territory south of the Ohio, and consequently was the first state to be created from an organized territory. She was admitted to statehood in June 1796. First representing her in the lower house of Congress was a fighting product of the frontier—Andrew Jackson. With the admission of states west of the mountains Western dissatisfaction lost much of its force, for the number of frontier spokesmen in Congress was materially increased. Moreover, the growing spirit of loyalty was instrumental in reducing to the vanishing point whatever danger of disunion may have existed when Spain angled hopefully in the troubled waters of frontier discontent.

*Indian  
policy*

Paralleling this growth of the Union went halting efforts toward working out a satisfactory Indian policy—that perennial problem with which English statesmen and colonials had struggled so unsuccessfully. Parliament insisted for years that Indians were to be protected in their rights so long as they remained within prescribed limits—a principle illustrated by the King's Proclamation of 1763—but persuading colonists to act accordingly was next to impossible. As early as 1790 Congress made some tentative soundings in the turbid waters of frontier relationships, but not until May 19, 1796, did she plunge in with a comprehensive act "to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers." This statute established a boundary line separating white settlements from Indian tribes. True, the line might be changed by any new treaty, but only through treaties fairly drawn with the tribes concerned should any

*Act of  
1796*

further acquisition of land be made. Nor should any trader operate without a federal license, as well as a guarantee of good behavior in the form of a thousand-dollar bond.<sup>1</sup> This heavy condition testifies eloquently to the difficulty that had been encountered in trying to solve one of the most important relationships between the red and white men.

It was with the intention of bringing special pressure to bear upon private traders—often notorious by virtue of their methods and the nature of their liquid stock in trade—that Congress authorized, by act of April 18, 1796, the establishment of federal trading agencies. By setting an example in fair trading it was hoped that these agencies would not only force private traders to more honorable dealings, but at the same time might win over the Northwest Indians from the effectively organized British Hudson's Bay and Northwestern companies. Congress appropriated money to enable its agents to sell goods at cost, and at first the prospects were encouraging. But the "factories," as they were called, labored under regulations which proved their undoing: they were operated on a cash basis (Indians commonly sought credit even if prices were high), they had no presents for distribution, and they sold no whiskey. By act of Congress in 1822 the ill-starred federal venture in business was abandoned. The practice of treaty making with the Indians was not abolished until 1871, but as a means for keeping the peace its effects were usually only temporary in nature.

*Federal  
trading  
posts*

In the same year that Congress hopefully legislated for the well-being of frontiersmen and Indians, it adopted a plan for the survey and disposition of land which, though modified in detail, has endured to the present. Essentially, the resulting Land Act of May 18, 1796, was merely the reenactment into statutory form of the Ordinance of 1785. Considering the brief interval of time since the enactment of that ordinance, together with the seeming wisdom of its more fundamental provisions, it might appear strange that the rival ideas concerning the purpose and method of public land sales should be debated at all. But so it was, and at considerable length. It is a matter for rejoicing that Hamilton's

*Land Act  
of 1796*

<sup>1</sup> As early as 1786 a \$50 license fee had been required, but this and successive measures seemed of little avail.

recommendations were adopted only in part. He favored the sale of lands for the primary purpose of raising revenue, and under such conditions as would keep the poor man at home. In thus retarding the westward movement he would give his dream of an industrialized America a better chance for fulfillment. Thomas Scott of Pennsylvania, together with several other members of Congress, favored a return to the plan which had been so popular in the South—that of indiscriminate settlement. However, there were prominent men from both North and South who fully appreciated the advantages in the orderly scheme outlined by the Ordinance of 1785 and were opposed to any change in its principal features. In the end the system of rectangular survey, with the six-mile-square township, was retained; but the minimum price was raised to two dollars per acre, though one year's credit for half the purchase was allowed. The minimum amount purchasable remained at 640 acres. The unwise terms of sale were to be made fully apparent before the law was modified in 1800.

## Chapter Seventeen

### FOREIGN AFFAIRS UNDER WASHINGTON

IN THE conduct of foreign relations Washington's dominant purpose was the preservation of peace. In no other way, he thought, could national solidarity be achieved. But peace with the world must not be at the sacrifice of self-respect: it must be honorable peace. The problems of most urgency when he was inaugurated centered about foreign commerce, the Northwest Posts and the Mississippi. Commerce must be protected lest the government lose the support of the trading class; if England could not be induced to surrender the posts war might be brought upon the country by the frontiersmen; and unless freedom of navigation on the Mississippi, granted by England but withheld by Spain, could be secured, dismemberment of the Union might follow. To find a solution for these problems, without a navy and with an army of negligible size, was not an easy prospect. Strangely enough, in the outcome, the lack of military strength proved a blessing rather than a handicap. For once more the rivalries of Europe, breaking forth anew in deadly warfare that kept foreign armies engaged at home, opened the way for American diplomatic successes.<sup>1</sup> The patient good judgment of Washington, supported by men of high ability in the diplomatic service, did the rest.

*The pursuit  
of peace*

*Leading  
problems*

Relations with Great Britain constituted the most serious problem of immediate concern for the United States. The establishment of friendly understanding with the mother country seemed so imperative, in fact, that Washington did not wait for Jefferson to assume his duties as Secretary of State before taking action. Gouverneur Morris, then resident in France, was sent to London

*G. Morris  
to England*

<sup>1</sup> If American military strength had been considerable, France might well have demanded assistance under the terms of the treaty of alliance. As it was, she found American neutrality more profitable to her.

to find out whether the British government was willing to establish formal diplomatic relations with the United States and to work toward a settlement of the chief problems at issue between the two countries. In London, Morris was given little satisfaction; for Britain was in no mood to honor the struggling little America, just trying a new government after the failure of its first experiment.

*Threats of  
retaliation*

How then could England be induced to send a minister or make concessions to our interest? Jefferson and Madison believed that commercial discrimination against British shipping would do the trick. American products, they thought, were necessary for the economic well-being of the English. Three-fourths of American foreign trade was with Great Britain. Nine-tenths of American imports were British, half of which came in His Majesty's bottoms. The solution, therefore, would be the imposition of heavier duties on British shipping in order to force concessions. In fact, Madison had labored in the first session of Congress with this aim in view and had succeeded in incorporating in the first tariff bill, which passed the House in 1789, provision for heavier tonnage duties upon the vessels of countries not having commercial treaties with the United States (England the leading example) than upon others. But in the Senate, where the influence of Hamilton and the merchant shipowners was great, all provisions for discrimination were stricken from the bill. It was evident to men of commercial interests that Great Britain was not only able to exist without American trade but was far better able to play the game of retaliation. If Anglo-American trade was important for England, it was imperative for the United States. Seriously curtail the volume of this trade, and Hamilton's financial system would be jeopardized, because the revenues that made possible the continuance of his program were derived from imports.

*England  
sends a  
minister*

The Virginians, however, were not enthusiastic about Hamilton's financial schemes, and so before many months were flirting anew with a proposition for retaliation. Although such legislation did not materialize it served a useful purpose; for Major George Beckwith, the paid agent whom the British ministry had kept in America since 1787, reported that unless a minister should be sent the threatened retaliatory legislation would be enacted. Con-

sequently Pitt sent George Hammond, who arrived in Philadelphia in October 1791. The appointment was not a happy one, but it was appreciated as the first friendly act on the part of the British government since American independence was granted.

In the meantime the Nootka Sound affair had presented a serious problem of a different character. In 1789 the seizure of a British vessel by the Spanish in Nootka Sound, Vancouver, produced a crisis which bade fair to involve the United States. In the year that the United States declared their independence of England, Spain bolstered her ancient claims to the Pacific Northwest coast by founding the *presidio* of Yerba Buena (long afterward named San Francisco). Thereafter, Spain patrolled the coast far northward in order to keep out would-be poachers upon her preserves. But after Captain James Cook had tested the possibilities of trade between Indians of the Oregon coast and China, American and English shipowners in growing numbers sampled the rich profits to be had. A Yankee sailor who had served under Cook reported that skins picked up on the coast for six pence brought the equivalent of one hundred dollars in China. Such possibilities were rather intoxicating. In order, therefore, to enjoy exclusive control over Nootka Sound, the center of this trading, both the British and Spanish sent ships to seize the place. The British arrived first, but the more powerful Spanish prevailed, and soon British sailors were languishing in a Mexican prison. In the following year Pitt, having learned of the seizure, demanded reparations and recognition of British right to trade and settle on the Oregon coast. If Spain refused, insisting upon her exclusive rights to the coast, war was likely.

*Nootka  
Sound  
affair*

If war should result Washington feared a British demand for permission to send troops from Detroit to attack Spanish territory. Either to refuse or consent might drag the United States into the conflict. There was irony in the situation for the United States, just beginning to establish solid foundations for government under the new Constitution. Washington sought the advice of his cabinet. What should be the answer if one must be given? Hamilton advised granting the favor if it should be asked, and uniting with Britain to force upon Spain the opening of the Mississippi. Jefferson advised doing nothing: perhaps time would

*American  
neutrality  
endangered*

work in America's favor, and in the end some sort of advantageous arrangement might be made. Fortunately the question was not put to the test. Spain was afraid to do so without the assistance of France, and France was busy with her revolution. Spain capitulated. So passed peaceably the first crisis in foreign relations affecting the United States.

*Jefferson vs.  
Hammond*

For the United States this Anglo-Spanish affair produced one tangible result of consequence: it helped Pitt to decide upon sending a minister to the United States. By way of returning the courtesy represented in the appointment of Hammond, Washington sent Thomas Pinckney, a prominent planter of South Carolina, to the Court of St. James. Meanwhile Jefferson seized upon the supposed opportunity of negotiating a settlement of outstanding Anglo-American problems, only to find that Hammond had power to discuss but not to conclude a treaty. In the ensuing discussions Jefferson was able to worst his rival decidedly by his arguments respecting posts, slaves, debts, and boundaries; but his labors were frustrated by Hamilton who was in close touch with Hammond. That Hamilton was not removed from the cabinet because of such interference with the Department of State might appear strange. The explanation, however, is easy. The success of Hamilton's financial system depended upon continued peaceful relations with England. Most federal revenue was derived from imports, ninety per cent of which came from England. Break with England and the Federalists' financial and political structure would collapse. Hamilton was prepared, therefore, to go to almost any length to preserve friendly relations with Great Britain. Anyway, his natural bias was British.

*French  
Revolution*

While a stalemate was thus established in Anglo-American relations a new turn of events in the French Revolution focused attention upon France and her emissary Edmund C. Genêt. The French Revolution was an event of far-reaching significance for the United States. It not only provided a setting for the formal enunciation of American principles of neutrality, but in time engaged the powers of Europe sufficiently to make possible a satisfactory settlement of British and Spanish frontier problems.

Until 1793 the Revolution was popular in America. After all, were the French not following the American example in attempt-

ing a redress of grievances by the overthrow of an arbitrary and unsympathetic government! Even in staid old Boston enthusiasm at times touched upon hysteria. But when April brought news of the King's tryst with the guillotine, followed quickly by the French declaration of war upon England, spirits on this side of the Atlantic sobered perceptibly—the Revolution would involve Americans after all unless they were willing to withdraw from the high seas.

*American sympathies*

In view of the new developments Washington called a meeting of his cabinet for April 18, and to the anxious members he put thirteen questions, among which were the following: Should a proclamation of neutrality be issued; were the treaties with France (1778 and 1788) still binding; should a minister from France be received, and the Republic be recognized? Unanimous agreement favored neutrality. On April 22, therefore, Washington issued a proclamation in which he gave expression to principles of conduct which have become the most characteristic policy in American diplomacy.<sup>1</sup> On the question pertaining to the treaties Hamilton was of the opinion that overthrow of the government which negotiated them automatically brought their termination, while Jefferson reasoned that treaties were made with the nation and, therefore, survived the fall of a government. Washington accepted the more enlightened view of the latter. He also followed the advice of his Secretary of State in receiving Genêt and in granting official recognition to the French Republic, reasoning that that government which rested upon the consent of the governed should not be questioned by the United States. In so doing Washington established a precedent which was to remain unbroken for over a century.

*Important cabinet meeting*

Inasmuch as the treaties were still binding upon the United States, how could she avoid being drawn into war? Washington held France to be the aggressor because she declared war upon England and Spain. But in the end it was France that decided the main issue. Because the United States did not have a navy France did not demand military aid in defending her West Indies, as

*Attitude of French government*

<sup>1</sup> Edmund Randolph drafted the proclamation. Out of deference to the wishes of Jefferson the word "neutrality" was not used. Jefferson was a strong advocate of neutrality, but he considered the action premature.



she might have done under the treaty of alliance. Under the circumstances American neutrality would be of more value to her than friendly belligerency; for the American marine might supply France with the sinews of war which British sea power prevented her from providing herself. France instructed her minister, therefore, not to call for the fulfillment of obligations under the alliance, but to use America as a base for operations against her enemies, England and Spain.

*Citizen  
Genêt*

On the same day that the historic cabinet meeting was held in Philadelphia, Genêt left Charleston after ten days of pulse-quickening success that was already turning his head. Shortly after his arrival in that warmly pro-French city he began commissioning American privateers to prey upon British commerce. Whatever French rights and privileges under the treaties may have been, he certainly had no right to take such action before presenting his credentials at Philadelphia. But the zealous envoy did not stop with the issuance of letters of marque and reprisal: he had a pocketful of military commissions for Americans who were willing to serve the glorious cause of France by taking a smack at the Spanish in Florida and Louisiana.

George Rogers Clark, frontier hero of one revolution, had volunteered his services before Genêt arrived. He was soon busy raising troops in the Kentucky region for a descent upon New Orleans. Had this intrepid warrior known that Genêt's instructions were looking to the detachment of that same Kentucky region from the United States he might have lost some of his enthusiasm for the cause of France. But what Americans did not know would not hurt them! For the time being Genêt was an ambassador from the French to the American people, bearing the intoxicating principles of "liberty, equality, and fraternity." What ungrateful wretch would think of withholding assistance in so worthy a cause!

*Genêt in  
Philadelphia*

The trip to Philadelphia was a triumphal procession—truly a heady wine for the vain and overzealous Frenchman. Then to be received by Washington with only a cold bow was, to put it mildly, extremely disconcerting. Genêt would have appreciated the fraternal embrace and a kiss on both cheeks. But this first rebuff was not the last. At first Jefferson was friendly, for he knew the

terrible abuses in France which he hoped the Revolution might remedy, and he was looking to a future in which reason and justice would ultimately prevail; but Hamilton refused to advance the payments not yet due on the debt owed to France.<sup>1</sup> Genêt had counted on using this money for financing the frontier expeditions which he was setting off. Things were going badly. Even Jefferson was very careful to enforce American neutrality, and finally when Genêt persisted with his plans for fitting out privateers Jefferson turned against him. Soon the Frenchman's foolish recklessness seemed to recognize no bounds. He threatened to turn out the government of "Old man Washington," and finally imagined that he might hale the President before the Supreme Court to answer for fancied wrongs. At last Washington's patience reached the breaking point, and Genêt's recall was requested.

In France the wheel of political fortune had turned again, brushing Genêt's party from the stage. Yes, Robespierre would gladly have the minister return—perhaps he might grace the still-hungry guillotine! But Washington had compassion for the stormy petrel of high diplomacy. So Genêt remained in America, married the daughter of Governor Clinton, and settled down to the relatively unexciting routine of country life in New York. *His recall*

J. A. J. Fauchet, the new minister from France, bore instructions to make amends for the damage done by Genêt. American neutrality was too valuable to be lost: France needed the food-stuffs which American vessels could carry. But French pride was wounded by the recall of Genêt, so the United States must call home her minister in France, Gouverneur Morris. Through training and experience, as well as native ability, Morris had the qualifications for doing his work well under trying conditions. A man who could write Bachelor's and Master's essays on "Wit and Beauty" and "Love," then give to the Federal Constitution its clear and forceful literary form, showed versatility which augured well for success in Paris. A thoroughgoing aristocrat of striking *Morris recalled*

<sup>1</sup> Early in Washington's administration Hamilton had worked out a plan for repaying the debt incurred in the Revolution. The installments were being paid punctually. Shortly after the Genêt affair a new arrangement was made whereby the entire debt, both principal and interest, was fully paid. The same action was taken respecting Spanish and Dutch indebtedness.

appearance and splendid physique, Morris commanded general admiration. Affable, and a delightful teller of stories, he was the perfect dinner guest. But his royal sympathies made him *persona non grata* to the revolutionists. He was succeeded by the Republican, James Monroe.

Effect on  
political  
parties

One important domestic consequence of the cause which Genêt represented was a mighty impetus toward the consolidation of political elements into real national parties. As we have seen, the groundwork for parties was laid during the struggle over the establishment of Hamilton's financial system. But a great portion of the people had not been jolted into the political entourage of either Hamilton or Jefferson. It required the excesses of the French Revolution, impinging as they did upon American social and economic interests, to produce the result. The execution of Louis XVI, and the brutal horrors which soon followed, caused something more than a shudder to sweep through respectable upper-class Americans. On the other hand, the rapid spread of Jacobin Clubs in America was a portent of dangerous possibilities for revolution on this side of the Atlantic.

Social  
cleavage

But the division of thought and feeling in America cut through social and economic barriers. Upper-class New Englanders became dominantly anti-French, while aristocratic planters of the South were usually of the contrary sentiment. That planter aristocrats should favor the Revolution appears paradoxical; for if its doctrines and practices should be extended to America they would be the first to grace the guillotine. But France was separated by the Atlantic, while even the horrors of less distant Santo Domingo were a bit removed from the realm of reality. Mob activities in the cities of the North were viewed in a different light by the resident spectators. Theirs was the opportunity of observing, even as James Otis had reflected in an earlier day, that "when the pot boils the scum will rise."

The element  
of religion

The reaction in America was not without its religious aspects also. Many Virginia planters, deistic in their thinking and disposed toward religious freedom, were not greatly disturbed by the attack of French Revolutionists upon old tenets of faith. Prominent New Englanders, on the other hand, were gravely concerned from the beginning; and with the appearance of the *Age of Reason*,

a vicious attack upon the Bible by Tom Paine, violent reaction set in. A like sentiment characterized orthodox religionists everywhere. Economic interests were powerful factors too. Merchant shipowners, whether in Boston or Baltimore, might thunder against the British denial of freedom of the seas; but financial credit they must have for foreign commerce, and only in London was this to be secured. There might be maddening inconveniences in submission to British naval power, but there were also profits. Under the circumstances the pocket nerve could not afford to be too squeamish.

THE TIMES; A POLITICAL PORTRAIT. FROM THE ORIGINAL CARICATURE, CA. 1795-96

*Courtesy of the New-York Historical Society. New York City*

*Protected by sturdy armed volunteers, and drawn by spirited horses, Washington holds to his course in spite of the efforts of Gallatin, Genét, and Jefferson, who are depicted as trying to "Stop the wheels." On the ground is editor Duane and the vitriolic Republican Aurora, to which a dog is paying his respects. To the left is a Federalist depiction of French Terrorists landing on American shores.*



*Jefferson  
leaves  
cabinet*

In various ways, therefore, political alignment was identified with elements which the French Revolution crystallized in bold relief. The Genêt affair caused Washington to incline more and more toward Hamilton and the Federalists. Appreciating this, Jefferson resigned from the cabinet in December 1793. He had been faithful to his chief, and the two severed official relations with mutual respect and good feeling, but he entertained fundamental objections to several administrative policies and, therefore, wisely withdrew.

*British  
threat  
to peace*

Hardly had the crisis presented by the Genêt affair passed its crest before Anglo-American relations reached a stage of near-war proportions. In 1793 it appeared that Republican sympathies for France might drive us into war with England: by March of the next year it seemed that the haughty aggressiveness of the British would impel us to the same end. In the first instance the problem was that of our obligations as a neutral; in the second, our rights. But whether "obligations" or "rights," Washington's unswerving purpose was the preservation of neutrality if it could be with honor.

*Northwest  
Posts*

Unfulfilled terms of the treaty of 1783 still rankled in the hearts of Americans. Of these the stubborn refusal of the British to surrender the Northwest Posts was the most galling. For years England had promised that the posts would be evacuated when American debts to British merchants were paid, but late in 1793 that thin excuse was abandoned. She would retain the posts indefinitely regardless of financial settlements.

*French  
West Indian  
trade*

In the meantime problems affecting American commerce were giving a fighting edge to American temper. On entering war with England in 1793, France threw open her West Indian trade to neutrals. Only thus might she continue to enjoy her breakfast from the Caribbean, for her navy was no match for the mistress of the seas. With joy Yankee skippers scurried into this new commercial opening, only to find vexatious British regulations supporting a mighty fleet which was kept for the purpose of protecting British interests against any and all comers. England was ready to enforce the "Rule of 1756,"<sup>1</sup> and more.

<sup>1</sup> An English rule, not accepted as international law, holding that trade closed in time of peace should not be opened in time of war. Before 1793 France had reserved the trade between France and her West Indies for her own people.

During the course of many years the smaller naval countries of Europe had come to assert certain principles respecting neutral rights that England would not accept. Among these were the doctrines of "free ships free goods," limitation of contraband to war materials, and effective blockades locally enforced. American treaties with France, Holland, Sweden, and Prussia incorporated these principles; consequently the European war was expected to open a profitable trade to our growing merchant marine.

*Disputed  
points in  
international  
law*

But England was swift to action. On June 8, 1793, an Order in Council instructed naval officers to bring in all neutral ships bound for French ports and laden with corn, flour, or meal. Then, November 6, another order directed the seizure of all vessels carrying supplies to French colonies or carrying the produce of such colonies. The second order was a violation, even, of England's own "Rule of 1756"; for it caught the direct trade between the United States and the French West Indies—trade which France had permitted before 1793. This new trade regulation was aggravating enough in itself, but the manner of its execution was thoroughly maddening. Not until the British naval vessels reached the "hunting grounds" was the order made public; then the "slaughter of the innocents" began! About 300 Yankee trading ships were seized, and before a modifying Order in Council (January 8, 1794) took effect 150 were condemned.<sup>1</sup> English navy men could use prize money, and vice-admiralty judges were hungry for business. In some instances even the clothing of the sailors was taken. That was practically the last straw.

*British  
navy  
strikes*

The inflaming news from the West Indies reached Philadelphia in March 1794, simultaneously with the knowledge of Lord Dorchester's incendiary speech to the Indians. Republicans demanded war. The commercial class was dumbfounded. Even Hamilton, determined as he was to keep peace with England, advised war preparations. Jefferson, grown tired of Hamilton's meddling, had resigned from the cabinet in disgust the previous December, so Madison led the Republican attack. But the Republicans did not want war: they would resort instead to the favorite remedy of Jefferson and Madison—retaliation. In the

*Special  
mission  
to England*

<sup>1</sup> This new order exempted from seizure American vessels trading directly with the French West Indies if not carrying contraband of war.

end a compromise was reached, and a thirty-day embargo on all American shipping was voted on March 26, 1794. Washington decided to make a final overture in the form of a special minister to England. For this important mission he chose Chief Justice John Jay.<sup>1</sup> Upon his rather frail shoulders rested probable war or peace.

*John Jay*

Through long experience in diplomacy, and by virtue of high intellectual powers, gentlemanly attributes, and self-confidence, Jay was well qualified for the difficult task before him. But he was, probably, too pro-British in his sympathies, allowed the consequences of failure to weigh too heavily upon his mind, and was overly susceptible to flattery. Grenville was duly informed that "Mr. Jay's weak side is *Mr. Jay*." In Lord Grenville, son of George Grenville of Stamp Tax fame, Jay found a delightful gentleman and a brilliant opponent in the fine game of diplomacy. The manner in which the Foreign Secretary outplayed Jay's hand is sufficient proof of it.

*Conditions  
favoring  
America*

Jay's arrival in England was coincident with conditions which, for the first time since 1783, were favorable for securing important concessions. News had but recently arrived from America explaining the great damage done by Dorchester's speech and the vice-admiralty courts in the Caribbean. Général Wayne's advance toward Canada was most disturbing, for it was well known in England that the collective forces of Canada could not match his army. Canada might be lost. War would mean the loss certainly of England's best customer, America. In Europe the situation was even more threatening. The coalition against France was weakening, and there was forming a new Armed Neutrality to which the United States was invited. Herein lay a powerful threat which Jay might well have used with telling effect had not the gratuitous interference of Hamilton nullified its power. When Washington's cabinet decided not to accept the invitation to join the Armed Neutrality, Hamilton so informed Hammond who, in turn, lost no time in relaying the welcome news to Grenville. So the Briton stiffened his back and made almost no concessions

<sup>1</sup> Washington was seeking the best available man. Franklin was dead. Hamilton was patently too pro-British. Jefferson and Adams were considered, but Hamilton favored the Chief Justice.

respecting maritime rights. But even so, Jay was pleased with the treaty which was signed November 19, 1794.<sup>1</sup>

When Washington finally was able to study the treaty in March 1795, he was greatly disappointed; for on the important question of neutral rights Jay had not only violated his instructions but actually had "sold out" to the British. The treaty contained no provision respecting "free ships free goods," moreover it acquiesced in the British practice of employing "paper" blockades, and admitted furthermore that foodstuffs might be preempted as contraband.<sup>2</sup> However, in several other respects the treaty was satisfactory, so Washington took a long view of the matter and supported the treaty in the interest of peace.

The Northwest Posts were to be evacuated by June 1, 1796. The United States was to guarantee payment of the debts owed to British merchants, the amount to be determined by a commission. Three other commissions were to decide (1) the northeast boundary, (2) the northwest boundary, and (3) the "spoliation" claims on account of illegal seizures under the recent Orders in Council, and similarly for British losses occasioned by vessels fitted out in American ports in 1793.<sup>3</sup>

Among the commercial provisions of the treaty were two of special interest: the establishment of the most-favored-nation basis between the two countries, and the admission of American vessels not exceeding seventy tons to the British West Indies. However, the United States was bound to refrain from "carrying any molasses, sugar, coffee, or cotton in American vessels, either from His Majesty's islands or from the United States."<sup>4</sup> The Senate struck this West Indian article from the treaty. It was incon-

<sup>1</sup> Jay was eager to have the treaty reach America as soon as possible, and so sent two copies which were intended to find passage on different vessels. For some reason both were sent on the same vessel, and it failed to reach America. Ensuing delays prevented the arrival of the treaty until nearly four months after its signing.

<sup>2</sup> No pledge was secured respecting the hated Orders in Council. Impressment was evaded. The questions of compensation for Loyalists and payment for slaves taken by the British were mutually dropped, and so passed from the history of Anglo-American disputes.

<sup>3</sup> The northeast boundary commission decided upon a river to be known as the St. Croix. The northwest boundary remained unsettled until 1818. The debts commission broke up after some labors, but in 1802 the United States agreed to pay the sum of \$2,661,000. The spoiliations commission completed its labors in 1804 with awards of \$143,428 to British claimants, and \$10,345,200 to Americans.

<sup>4</sup> The great significance in the invention of the cotton gin was lost on Jay.

*An unsatisfactory treaty*

*Terms of treaty*



ceivable that the United States should shackle her economic development by accepting such servitude.

*Popular  
reaction*

While the unwelcome treaty was before the Senate in secret session its terms leaked out to the public. An outcry of rage swept the land. Jay had betrayed America! But burning him in effigy and stoning Hamilton for defending his work served no useful purpose. On June 22, 1795, without a single vote to spare, the treaty was confirmed by the Senate. Washington delayed final action. Feeling was still running high. Southerners were especially bitter. What would Northern Federalists not do to safeguard their precious commerce! In the cabinet Secretary of State Edmund Randolph advised withholding the presidential signature until a new "provision order" of the British government was withdrawn. Washington was of similar mind. To the other three members of the cabinet (all Northerners) it was disconcerting to find one Virginian seemingly exerting so much influence. Precious time was being lost.

*Secretary  
Randolph  
resigns*

Suddenly a way was found for breaking the deadlock. Through an intercepted despatch written by Fauchet to the French government, Timothy Pickering and Oliver Wolcott found a weapon for destroying Randolph's influence with the President. The evidence seemed to brand the Secretary of State as a tool of France, seeking money as the price of his opposition to the treaty. Washington's decision was quickly made: he signed the treaty August 14, 1795. Shortly afterwards, Randolph resigned from the cabinet under circumstances cruelly embarrassing, and with a shadow upon his name which has never been removed. It is highly probable, however, that the unfortunate man was innocent of the charge which cast such a serious reflection upon his character.<sup>1</sup> The difficulties

<sup>1</sup> The only real basis for the condemnation of Randolph was the famous rambling despatches of Fauchet, a man who was eager to make himself important in the eyes of his government. Even though money was mentioned, the despatches contain no evidence that Randolph ever hinted at pecuniary profit for his own benefit. Fauchet later completely exonerated Randolph of any such overtures. That the circumstances showed evidence of undue confidential relationships with a foreign diplomat is true; but, considering Washington's eagerness to have Randolph placate Fauchet, it is not strange. Certainly Randolph's action in this respect was no more reprehensible than Hamilton's intimacy with Hammond. Being disgraced in the eyes of the people was not the end of Randolph's difficulties. No sooner had the pertinacious Pickering taken over the duties of the State Department than he set to work to check the accounts of his predecessor. With the assistance of Wol-

Washington encountered in finding a successor for Randolph in the Department of State testifies rather eloquently to the unpopularity of the Federalists. After four men had refused the doubtful honor, Timothy Pickering accepted the post.<sup>1</sup> He was hardly an adornment to the office.

The first hurdles of opposition to Jay's treaty had been scaled, but it still remained to be seen whether it could be carried into effect. In the House a determined opposition stubbornly refused the necessary appropriations until April 30, 1796. It is barely possible that the remarkable speech of Fisher Ames, delivered two days earlier, won over a sufficient number of votes to carry the measure. Ames represented Massachusetts, and so, in spite of his irreproachable character, was associated with the interests of those who favored the treaty for selfish reasons connected with commerce. Still weak from the effects of a serious illness, Ames arose to speak. "I entertain the hope, perhaps a rash one," he began, "that my strength will hold me out to speak a few minutes." His strength sustained him very well, indeed: he was able to deliver an inspired oration of some 16,000 words. In the gallery John Adams shed tears. If the treaty is repudiated, Ames warned, ". . . I, slender and almost broken as my hold upon life is, may outlive the Government and Constitution of my Country." The measure carried. Ames lived until July 4, 1808.

*The House  
sustains  
treaty*

*Fisher  
Ames*

In actual operation the Jay Treaty, although a British victory, proved more satisfactory than was generally expected, but most important of all it enabled the United States to pass successfully one of the most serious crises in her history.

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cott, also an avowed enemy of Randolph, he soon tabulated a shortage of \$49,154.89. At that time the Secretary of State was personally responsible for all moneys appropriated for his department. Losses sometimes occurred for which the Secretary could not in any way be blamed. An example during Randolph's incumbency was the failure of an Amsterdam bank, taking \$9000 of State Department funds.

In 1804, court judgment was against Randolph in the sum of \$53,162.89. Interest had augmented Pickering's bill. By heroic efforts the debt was fully discharged, principal and interest, on January 1, 1810. Three years later Randolph died. But persecution did not end. The bungling of Treasury accounts made it possible as late as 1887 to show Randolph indebted to the United States to the amount of \$61,355.07. In 1889 the long-standing errors were corrected.

<sup>1</sup>Those who refused the honor were William Paterson of New Jersey, Thomas Johnson of Maryland, C. C. Pinckney, and Patrick Henry. Pickering's appointment was made permanent only after Washington decided he could do no better.

*Pinckney's  
treaty*

One important consequence of the Jay Treaty was an early settlement of the long-standing difficulties with Spain. After Jay was sent to England, Thomas Pinckney, resident minister in London, was sent on a special mission to Madrid. Perhaps the capable Pinckney could do what lesser men had failed to accomplish. For several months he could make no headway in the procrastinating atmosphere of the Spanish capital, but European forces were shaping themselves for another American victory in diplomacy. In 1794 Spain was tiring of her unnatural alliance with England, and Godoy, Minister of State, was considering peace with France. In July 1795, a treaty to that end was actually made. Fearful of the consequences of deserting England, and afraid that the Jay Treaty meant Anglo-American cooperation on the problem of the Mississippi, if not actually an alliance, Godoy made round concessions in a treaty signed with Pinckney at San Lorenzo, October 27, 1795.<sup>1</sup> By its provisions Spain threw open the Mississippi to Americans, and designated New Orleans as a "place of deposit" for three years. At the expiration of the period another place might be designated. The American boundary claim (thirty-first parallel) was recognized, and each country pledged itself to restrain the Indians within its jurisdiction from making raids into the territory of the other. The provisions respecting a "place of deposit" and Indians were to figure in serious disagreements at later times. The popularity of the treaty, in striking contrast to that made by Jay, was widespread in the United States. It was ratified by the unanimous consent of the Senate.

*Spain  
accepts  
defeat*

And so ended the Spanish conspiracy in the Southwest, though Spain, repenting of her bargain, refused to withdraw her military forces or grant the right of deposit until 1798. At that time fear of an American invasion caused Godoy to carry out what fear had led him to promise nearly three years earlier. Through patience and good fortune Washington had been able to possess all the territory granted by England in 1783.

The Jay Treaty settled many controversial issues with England

<sup>1</sup> It is highly probable that the pressure of American frontiersmen upon Spanish territory, showing as it did the folly of continued resistance to American demands, was an important factor in producing the Spanish treaty.

and had a highly gratifying effect upon Spain, but it resulted in badly strained relations with the American ally, France. *New trouble with France*

When the aristocratic Gouverneur Morris was recalled at the termination of Genêt's meteoric career, he was succeeded by the Republican James Monroe. The French reception to the new minister was enthusiastic and flattering. On being publicly embraced and kissed by the president of the National Convention, Monroe replied with words of warm sympathy for the French cause. In so doing he was not exceeding his instructions, but his deportment was misleading as to the temper of the American government. Monroe followed up his apparently auspicious beginning by securing the abrogation of the obnoxious decrees which had proscribed American commerce even as the British had done.

For about a year Franco-American relations, outwardly at least, were friendly; but on the horizon was a bogey man in the person of John Jay, engaged in negotiations with the inveterate enemy of France across the Channel. What ill portent did this bear? When a copy of the Jay Treaty, sent from America, arrived in the summer of 1795, the French found out. Their government, not without a measure of justice, denounced the Anglo-American settlement as a violation of her treaties with the United States and soon launched upon a program of action that completely upset such friendly relations as had previously obtained. Monroe was stunned even though he had had an inkling as to the nature of the contents of Jay's treaty. His indiscretion then led him to advise the French government to suspend action pending the outcome of the American election of 1796 which, he predicted, would drive the Federalists from office. Monroe was not without just grievances, but his action was damaging to the cause of national unity which Washington had labored so hard to establish. He was recalled.

Meanwhile the Directory, the new five-headed administration of France, was showing how mean and arbitrary an upstart government could be. The alliance with the United States would not be respected; diplomatic relations were suspended, though Minister Adet was permitted to remain in America to swing the forthcoming election in favor of France; and a decree of July 2, 1796, *Retaliation*

proclaimed the same treatment for American shipping that England accorded. Such treatment of American commerce was not new. France had followed the same course of action, respecting contraband and enemy property on American ships, previous to Monroe's arrival. But by comparison the new attack on neutral commerce made even the British exploits of 1793 pale into the background. There was venom in the French determination to make the Americans pay for their concessions to the bully of the seas—Great Britain. By the hundreds American vessels were seized, their crews insulted and sometimes subjected to barbaric tortures.

*C. C. Pinckney's mission* In an attempt to remedy the situation Washington sent as his new minister the able and highly respected Federalist, Charles C. Pinckney, brother of Thomas Pinckney who had attained such gratifying success in Spain. But the abilities of Pinckney were not to be tested immediately: France would not even receive him, much less give him a chance to defend the American position. In fact, Pinckney was snubbed and insulted. It was left for President Adams to make the next move.

*Washington's "Farewell Address"* Before Pinckney arrived in France, Washington had made public his determination to retire from the presidency. The most serious threats to the Union had seemingly disappeared, and there was no urgency for another term like that which led him to change his mind in 1792. However, before laying down the heavy burdens under which he had grown old, he prepared an address of farewell,<sup>1</sup> filled with sage advice—advice which the present generation, even as its predecessors, may well ponder. He pleaded for Union, for just and amicable feelings toward all nations, but above all for an America free from dangerous entanglements with Europe. In unforgettable phrases he laid down an enduring basis for American conduct:

Observe good faith and justice towards all nations: cultivate peace and harmony with all. . . . Against the insidious wiles of foreign influence, I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be constantly awake, since history

<sup>1</sup> It was thought advisable to issue the "Farewell Address" before the election of 1796 in order to dispel any doubt as to his intentions concerning another term. The address was issued September 17, 1796, and appeared in the press two days later.

and experience prove that foreign influence is one of the most baneful foes of a republican Government. . . .

The great rule of conduct for us, in regard to foreign Nations, is, in extending our commercial relations, to have with them as little Political connection as possible.—So far as we have already formed engagements, let them be fulfilled with perfect good faith.—Here let us stop.

With Washington's retirement assured, the election acquired a new interest. It was to be the first campaign in which party candidates strove for the presidency. In Congressional caucuses the Federalists decided upon Adams and Thomas Pinckney: the former because he was the most "available," inasmuch as Hamilton had made too many political enemies, and the latter because of his popular treaty. The Republicans were concerned only with a running mate for Jefferson. Their choice fell upon Aaron Burr because of his strength in New York. *Election of 1796*

The campaign was the first of many of the "mud-slinging" variety in the United States, although the candidates took but little part in it. In still another respect this campaign was unique in American history: it was one in which foreign relations were not only a great issue but in which a European power deliberately tried to determine the outcome. However, the net result of Adet's activities was to damage the Republican cause and increase disrespect for France. *Nature of campaign*

Hamilton pretended to be a loyal supporter of Adams, but behind the scenes was pulling wires to encompass his defeat. His plan leaked out to Adams' supporters; consequently some of them threw away votes that otherwise would have gone to Pinckney. The result was a Federalist President and a Republican Vice-President. Adams won over Jefferson by a margin of only three votes—always a touchy point with the New Englander—while Pinckney trailed behind.

On the day following the inauguration of his successor, Washington set his face toward Mount Vernon, eager for the peace and contentment which no other place on earth could give. He felt old and tired, and longed to escape the barbed shafts which followed him. Few Presidents have been subjected to so much abuse. Tom Paine had dipped his pen in vitriol when he wrote: "As to you, *Retirement of Washington*

sir, treacherous to private friendship . . . and a hypocrite in public life, the world will be puzzled to decide whether you are an apostate or an imposter: whether you have abandoned good principles, or whether you ever had any." On the day Washington retired from the presidency a grandson of Franklin voiced the opinion of many malcontents when he printed in his *Aurora* the following malediction: "If ever there was a day for rejoicing, this is the moment—every heart in unison with the freedom and happiness of the people, ought to beat high with exultation that the name Washington from this day ceases to give a currency to political iniquity, and to legalize corruption."

Fortunately, in most things, the test of time is the surest measure of one's character and services, and with the passing years the poisonous mists which cloud man's thinking sink beyond the horizon. In 1814 Jefferson voiced the well-nigh universal sentiment of Americans when he wrote of Washington: "His integrity was most pure, his justice the most inflexible I have ever known, no motives of interest or consanguinity, of friendship or hatred, being able to bias his decision."

## Chapter Eighteen

### THE ADMINISTRATION OF JOHN ADAMS

JOHN ADAMS, inaugurated March 4, 1797, was pathetically eager to be a successful President even as his predecessor had been. While he possessed several of the finest qualifications for his office—ardent love of country, fearless honesty, unflinching courage—he was lacking in others perhaps equally important for leadership. He was vain and rather opinionated, was suspicious of the motives of others, too often allowed his temper an outing, and was unduly fussy about relatively unimportant matters. In addition to all else, he was tactless and anything but a politician. Highly intellectual and a hard worker, his knowledge was extensive; but he was too sure of his own ideas and would not sacrifice his judgment to anyone, be it King, minister, or people. Hamilton called him “honest, firm, faithful and independent—a sincere lover of country.” Franklin characterized him as being “always honest, often great, and sometimes mad.” *John Adams*

Adams made an auspicious beginning by delivering a pleasing inaugural and by taking over Washington's cabinet. But this second step he lived to regret; for its members had been chosen with Hamilton's approval, and three of them, Pickering, Wolcott, and McHenry, continued to take instructions from him. But the damage was done long before Adams finally reorganized his cabinet in 1800. *His cabinet*

The foreign situation confronting Adams when he took the helm, if not so grave as that which Washington had faced in 1794, was extremely serious and rapidly growing worse. The violence of French activities (previously mentioned) was approaching a climax. When Adams learned of the shabby treatment of Pinckney by the French he sought the advice of his cabinet, and called a special session of Congress. The final decision, as in 1794, was to *The French problem*



try a special mission—this time a commission of three. By common consent the insulted Pinckney was first choice. John Marshall was second, and finally, after Francis Dana had declined, a personal friend of Adams, Elbridge Gerry, was made the third member. As a Republican, Gerry might make the trio more acceptable in France.

*Commissioners to France*

In October 1797, the commissioners met in Paris under conditions decidedly inauspicious for the American cause. French arms were winning. Within the French orbit were only two countries which had not made terms—England and America—and French terms were stiff. Why should the United States not pay for peace even as other little vassal states! The situation was not made any more propitious by the presence of M. de Talleyrand as Minister of Foreign Affairs in the thoroughly corrupt Directory. This fox of diplomacy had proved his capacity for finesse through the changing fortunes of a varied career. A military profession being denied him because of an injured foot, he turned to the Church. Whether as Bishop of Autun he furthered the Kingdom of God may be doubted, but the experience did not hamper his growing versatility in treading the shady paths of diplomacy. During the early excesses of the French Revolution he came to the United States, where he remained until the storm blew over. His residence in America seemed not to have increased his respect for the young democracy.

*Messrs. X, Y, and Z*

Talleyrand refused to see the American commissioners officially, for he had more important irons in the fire of French territorial ambitions. He was busy with his designs upon Canada, Louisiana, and Florida, as well as Trans-Appalachian United States—not a new French dream but much less chimerical than it had been since the French and Indian War. After meeting the Americans privately, Talleyrand turned them over to three agents whose business it was to keep them dangling in suspense until they would pay handsomely for the privilege of securing the good graces of the Directory. Before official negotiations could begin the Americans must pay \$250,000 “to grease the wheels of diplomacy.” The avaricious Talleyrand and his associates of the Directory must have a *doucer*—that is, all except the Minister of Justice. This worthy gentleman did not need any because he was deriving large sums from the sale of prizes seized in violation of American

treaties. As a further requirement, America must take over from the French worthless Dutch bonds to the amount of several millions of dollars.

The commissioners were not greatly shocked at the proposal of bribery for it was common enough at that time, but they had no assurance that payment of the large sum, even if they had it to offer, would lead to a treaty. Under the circumstances the proposition was thoroughly insulting. "No. No. Not a sixpence!" was Pinckney's hot reply. A few months later the ringing words, transformed into "millions for defense but not one cent for tribute," were sweeping America. After further extended and unsuccessful efforts to deal with Talleyrand, Marshall and Pinckney left Paris. But Gerry, attempting to negotiate separately with Talleyrand (action for which he had no authorization), foolishly remained until he was recalled.

*"Not a sixpence!"*

When the full effect of the French action was felt by the administration Adams was thoroughly aroused. He urged Congress to prepare for war, and finally declared that he would "never send another minister to France without assurances that he [would] be received, respected and honored as the representative of a great, free, powerful, and independent nation." The XYZ correspondence was published,<sup>1</sup> and for once in his public career Adams found himself popular. It was a sweet experience. Even the Federalists were surprised at the action of the French government, while the Republicans of Congress were dumbfounded on discovering the enormity of the insult. For them there was no course compatible with patriotism but to acquiesce in, if not actually join, the movements for war preparations.

*Adams is aroused*

A score of measures for national defense were enacted. The navy was strengthened, and a Navy Department created; merchant vessels were given the right to defend themselves, and naval vessels as well as privateers were authorized to capture French armed vessels. The army was increased, alien and sedition acts were placed on the statutes, and the treaties with France were formally abrogated.

*Measures for defense*

<sup>1</sup> The names of the French agents, Hottenguer, Bellamy, and Hauteval, were well known to the American commissioners. When the papers in the case were submitted to Congress, the letters X, Y, and Z were substituted for the French names.

Naval  
warfare

Although no formal declaration of war was made, some naval duels were fought, and the French lost nearly ninety armed ships, though only two were public vessels. No attack was made upon unarmed French merchant ships. It was sweet revenge when the *Constellation*, under Commodore Truxtun, captured the splendid *L'Insurgente* after a spirited fight in which the French had seventy men killed and wounded.<sup>1</sup> Fortunately for the United States the French navy was engaged with the Mistress of the Seas, and there was little danger of a French army crossing the Atlantic. Indeed, Adams no more expected to see one in America than in Heaven.

The army  
and  
Hamilton

While American fortunes were progressing so favorably at sea, the new army was becoming badly muddled in politics. Hamilton wished to make the army a permanent thing—there might be use for it against the Republicans—moreover, he was flirting with a grand scheme which Miranda, the South American revolutionist, was unfolding to Prime Minister Pitt. Briefly the plan was for Britain to furnish a navy, the United States an army, and Latin America the revolutionary spirit. Combined, Latin America would become free, England would get Santo Domingo and other French islands, and the United States would receive Louisiana and Florida. Surely an intoxicating prospect! But it was necessary for the success of the undertaking that Hamilton be chosen to head the American army in the field. Consequently, through rather devious tactics, this was brought about—Adams playing the game which public interest seemed to dictate. However, it was the same Adams who later upset the apple cart of extreme Federalist ambitions just when everything seemed to be ripening for a “grand slam.”

Talleyrand  
retracts

In the meantime Talleyrand's plans had miscarried. He was courting money, not a war. If the Americans should actually join the British, as many straws in the wind suggested, France would not only lose the valuable services of a neutral with a growing merchant marine but might also witness the seizure of Louisiana before France could secure it for herself. So with the oily change

<sup>1</sup> *Le Berceau* surrendered to the *Boston* after two hours of fighting on October 12, 1800. The hardest battle of the war, and one of the most spirited ever fought by two frigates was the five-hour night engagement between the *Constellation* and the much more heavily armed *Vengeance* in February, 1800. After being beaten, the French vessel managed to escape in the darkness.

of front for which Talleyrand was famous, Adams was permitted to understand that if a new envoy were sent he would "undoubtedly be received with the respect due to the representative of a free, independent and powerful nation."

Adams pondered the new situation for several weeks, then without consulting any man he sent to the Senate, February 18, 1799, the name of William Vans Murray as minister to France. It was a step requiring rare courage. It meant sacrificing his popularity with the Federalists and jeopardizing his chances for reelection because the action indicated the possibility of peace and, therefore, wrecked the war plans of the Federalists. But Adams could always be counted upon to do the honest thing, even if he did it in an unpleasant way. Hamilton's followers were furious. "We have all been shocked and grieved," said the hypocritical Pickering. Sedgwick thought the action as embarrassing and ruinous as any which "the foulest heart and the ablest head in the world" might devise. But Adams held the trump cards—the Federalists could not oppose him without laying themselves open to the charge that they were seeking war. In the end Adams did compromise by making it a commission of three; and so Chief-Justice Oliver Ellsworth and William R. Davie of North Carolina were chosen to join Murray. But Pickering was a diehard. He managed to delay the departure for so long that the commissioners did not reach Paris until March 1800.

*Adams  
chooses  
peace*

*Second  
commission  
to France*

In the meantime a new star, Napoleon Bonaparte, had risen in the European firmament. Under his influence the atmosphere of the French capital had improved appreciably even if Talleyrand remained at the Foreign Office. Negotiations lagged nevertheless. Talleyrand's purpose was to play with the Americans, thus preventing a juncture of American forces with the British, while he labored at the task of recovering Louisiana. It was not a mere coincidence that the American treaty, signed September 30, 1800, antedated the Franco-Spanish treaty for the retrocession of Louisiana by only one day. By the terms of the American treaty, as later modified and accepted by both governments, the United States released France from the payment of all claims for spoiliations arising since 1793 in return for the formal abrogation of the old

*Convention  
of 1800*

French treaties.<sup>1</sup> So ended a little naval war, together with an alliance that had proved highly entangling.

From a long and crowded life Adams considered his handling of the French crisis his greatest public service. Years afterwards he expressed a wish for an epitaph containing no other words than these: "Here lies John Adams, who took upon himself the responsibility of peace with France in the year 1800."

*Pickering  
dismissed*

One consequence of the XYZ affair was a long-overdue cabinet housecleaning. Adams had endured treachery in his official family until patience ceased to be a virtue, then he struck. Early in May 1800, Secretary of War McHenry was dismissed, and Pickering was given a polite "opportunity of resigning if he [chose]." But the Honorable Timothy rather condescendingly replied that he did not "feel it to be [his] duty to resign." Whereupon Adams discharged him by a letter as pointed as it was brief. In his place was chosen a Virginian, John Marshall. So Hamilton's influence over the cabinet was at last broken, and Adams could feel himself master of his own household.

*Federalists  
attack  
critics*

While the Federalists were busy with matters pertaining to national defense, and public attention was centered largely on warlike activities, they seized the opportunity for clamping down upon their enemies at home and for preventing Republican election victories. Federal officials had endured an enormous amount of abuse, much of which was at the hands of foreigners, notably Irish and French refugees who had escaped the gallows and the guillotine by coming to America. That these aliens should have free rein in their attacks on federal officers and policies was too much for the Federalists to endure; consequently, when the opportunity arrived, they could not resist the temptation to muzzle their critics and at the same time deal the Republican party a body blow. That most nations had laws against sedition seemed to justify similar action in the United States, especially since the French imbroglio presented what might be considered as a

<sup>1</sup> American estimates placed the amount of damages to property of Americans at \$20,000,000. By virtue of having released France from the payment of the claims, the Federal Government was obligated to compensate its own citizens. In 1915, over a century later, the United States Court of Claims finally cleared its docket of the old claims, awarding a total of \$7,149,306.10. Twenty-three years later Congress had appropriated approximately half that amount in payment.

national crisis. The Naturalization, Alien, and Sedition Acts of 1798 were the concrete result of Federalist purpose. By the first measure the residence requirement for naturalization was increased from five to fourteen years. Under the Alien Acts the President was empowered to order from the country any dangerous alien. Adams did not exercise his prerogative in a single case, but the measures did induce a considerable exodus of Frenchmen.

It was the Sedition Act, however, that provoked most excitement. A portion of the measure made it a high misdemeanor, punishable by fine and imprisonment, for any persons to conspire against federal measures, or against federal officers in the performance of their duties. For such a law there was probably justifiable need, because the federal courts had previously no statutory authority to take cognizance of offenses involving sedition. But the provision that made it a crime to write or publish "any false, scandalous and malicious" statement against the Federal Government, Congress, or the President was a different matter. Benefit of trial by jury was permitted, but the accused would have slight opportunity of proving his case against high government officials who could not be summoned as witnesses. *Sedition Act*

Whether or not the Alien and Sedition Acts were constitutional occasioned then and since a great amount of controversy. The right of a nation to expel aliens is unquestionably a legitimate exercise of sovereign power, and therefore was a right of the Federal Government—the Supreme Court later so decided—but whether the President might properly be clothed with such wide discretionary authority is open to serious question. The Sedition Act was clearly a different matter. It could not easily be squared with the Bill of Rights (First Amendment) even though freedom of speech can not reasonably be interpreted to mean indulgence without license or limit.<sup>1</sup> The Republicans promptly denounced the law as unconstitutional. Even Hamilton did not like it, although John Marshall was the only leading Federalist openly to oppose it. The Federalists overstepped the bounds of good judgment and moderation in failing to distinguish between sedition and partisanship. *Constitutionality of the laws*

Many offenders were indicted, about twenty-five were arrested,

<sup>1</sup> The Espionage Act of 1917, during World War I, was more extreme.

*The law  
applied*

and ten—all Republican editors—were convicted, some of them on the most trivial charges.<sup>1</sup> In some cases the Federalist judges displayed strong prejudice against the accused. The partisan nature of the proscriptions under the law reacted as a mighty boomerang against the Federalists, and helped greatly to encompass their downfall in 1800.

*Republicans  
discouraged*

In 1798 many Republicans were thoroughly discouraged. The Federalists, drunk with power, were riding rough-shod over opposition. With a standing army under the arch leader Hamilton, and with laws striking at individual liberties, what could stand in the way of a highly centralized government like that of England! Talk of secession was heard. John Taylor of Caroline wrote to Jefferson suggesting dissolution of the Union. But that philosopher-statesman, presiding with unruffled impartiality over the Senate, kept his head and advised his followers to remain calm while the Federalists ruined their cause. Jefferson did favor, however, a strong protest from the states, and accordingly drafted resolutions which were adopted almost unanimously by the legislature of Kentucky in November 1798. The following month a similar set, drafted by Madison, was adopted by the Virginia Assembly.

*Kentucky  
Resolutions*

In declaring the Alien and Sedition Acts to be unconstitutional, and therefore "void and of no force," the Kentucky Resolutions gave expression to Jefferson's main purpose—a formal protest against unfair legislation and a strengthening of Republican political fortunes. But in building up his arguments, Jefferson outlined the doctrine of "states rights," and thereby gave to the Resolutions lasting significance.

Resolved, That the several states composing the United States of America are not united on the principle of unlimited submission to their general government; but that, by compact, under the style

<sup>1</sup> Dr. Thomas Cooper criticized the conduct of the President by saying that in 1797 Adams was hardly in the infancy of political mistakes, nor had he yet interfered "to influence the decision of a court of justice." Cooper's sentence was a fine of \$400 and six months imprisonment. Another editor was given a heavy sentence for expressing the wish that the wad of a cannon, fired in salute to the President, "had struck him in the rear bulge of the breeches." Still another tasted the rigor of the law for charging the President with "unbounded thirst for ridiculous pomp, foolish adulation, and a selfish avarice."

Jefferson, on becoming President, pardoned all convicted under the Act, and Congress in time repaid most of the fines.

and title of a Constitution of the United States, and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving, each state to itself, the residuary mass of right to their own self-government; and that when-soever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each state acceded as a state, and is an integral party; that this government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has as equal right to judge for itself, as well of infractions as of the mode and measure of redress.

The second set of Kentucky Resolutions (November 1799) went even further, proposing "That a nullification, by those sovereignties [States], of all unauthorized acts done under color of that instrument [Constitution], is the rightful remedy." In less than a decade New Englanders were using much the same arguments, and by 1830 the doctrine had won general acceptance in the South.

In 1800 the Republicans reaped the fruits of Federalist mistakes. Adams scotched the war with France, and thus the patriotic wave of fervor on which Federalists rode in 1798 had ebbed, leaving them to face the odium of responsibility for increased taxes and a crop of Republican martyrs produced as a consequence of the Sedition Act. Nor was the split in the party a cheerful omen. Congressional caucuses nominated the rival candidates. The Republicans again chose Jefferson and Burr, while the Federalists reluctantly renominated Adams, with C. C. Pinckney of XYZ fame for second position. Washington had been urged to accept the candidacy for President, for his name was the strongest unifying force among Federalists, but he firmly declined.<sup>1</sup>

*Election  
of 1800*

As in 1796, Hamilton tried to defeat Adams by a scheme favoring his running mate, but the net result was a widened breach in the party. The campaign of 1796 had been scurrilous enough, but by comparison it was only a rehearsal for 1800. The Republican press delved deeply into its arsenal of choice epithets, denouncing

*The  
campaign*

<sup>1</sup> Washington died shortly afterwards, December 14, 1799, following a brief illness.



the tyranny of the Federalists and their monarchical leanings, while the Federalists returned the compliments with interest. Jefferson was arraigned as an atheist and a dangerous radical, and the Republicans were a fanatical mob which would revolutionize the government and do away with all civilized restraints! Timothy Dwight, president of Yale College, had expressed the conviction of thousands of God-fearing people when he declared that if Jefferson were elected "the Bible would be cast into a bonfire, our holy worship changed into a dance of Jacobin phrensy, our wives and daughters dishonored, and our sons converted into disciples of Voltaire and the dragoons of Marat." In one town voters drank to the toast, "Thomas Jefferson, may he receive from his fellow citizens the reward of his merit—a halter."

*House  
election*

When the electoral votes were counted, Jefferson and Burr were found to lead with seventy-three each. It fell to the House of Representatives, therefore, to make the choice. Had Burr been an honorable gentleman the action of the House would have been a mere formality; but being otherwise he was willing that the Federalists, who were in the majority, should have a chance to make him President in order to defeat their great rival, Jefferson. A deadlock lasting for thirty-five ballots produced taut nerves and talk of civil war. Then, on February 17, 1801, two weeks before inauguration time, enough Federalists changed their ballots to give Jefferson the victory.<sup>1</sup> It is just possible that the influence of Hamilton, thrown against Burr, determined the outcome. Hamilton had not undergone a change of heart respecting his famous political rival. He still considered Jefferson's principles bad; but Burr, he thought, did not have any.

*Hamilton  
and Jay*

Hamilton played another role in the election which shows the limits to which partisan feeling might lead a man of reputation for public honesty. In New York the presidential electors would be chosen by a new legislature controlled by the victorious Republicans. Obviously the electors would be Republicans also. To prevent this outcome Hamilton proposed a clever scheme to

<sup>1</sup>An important consequence of the election was the adoption of the Twelfth Amendment to the Constitution (1804), making impossible a recurrence of such a deadlock. Thereafter, electors were required to vote for President and Vice-President on separate ballots. With this amendment constitutional recognition was given to the party system.

Governor Jay. "No scruples of delicacy and propriety," he wrote, "ought to hinder the taking of legal and constitutional steps to prevent an atheist and a fanatic in politics from getting possession of the helm of state." But Jay, staunch Federalist that he was, could not stoop to such dishonest trickery. On Hamilton's letter he wrote the following comment: "Proposing a measure for party purposes which it would not become me to adopt." If Jay had done as Hamilton wished, the feared and hated Republicans would have lost the election.

The election of 1800 gave to the Republicans a majority in both Senate and House as well as the presidency. So in 1801 the Federalists lost control of all branches of the national government, save the judiciary, never to regain it. They were out of step with the times. But in spite of actions making them extremely unpopular, they made several praiseworthy contributions. They established order out of chaos, and saved the Union from possible dissolution. They took the Constitution and built an enduring structure of government upon it. They guided the United States safely through foreign dangers of the most critical nature, and established the foundations of American neutrality and freedom from foreign entanglements. They possessed perhaps more than their share of the intelligence and honesty in American life, but most people (then and ever since) were not greatly concerned about either as a requisite for high office.

On the other hand, the Federalists stood for centralization in government at a time when the spirit of local independence was still strong, and they believed in the subordination of the masses in matters pertaining to government. By 1800 the Federalists had outlived their usefulness as a party: their lasting contributions had been made before the greatest of them all was laid to rest at Mount Vernon.

## Chapter Nineteen

### THE TURN OF THE CENTURY

*The people,  
and where  
they lived*

IN 1800 the population of the United States was approaching five and a half millions, nearly one-fifth of whom were slaves. A great majority of the whites were native-born and of British descent. Few immigrants were arriving. At least two-thirds of the people were living within fifty miles of tidewater—the center of population was about eighteen miles southwest of Baltimore—but the westward movement had carried approximately half a million beyond the Alleghenies. Kentucky, with 220,000, was much the largest community west of the mountains. Everywhere south of the Mohawk a broad and relatively unsettled mountainous area separated the two regions and produced Western isolation broken only by three wagon roads (two in Pennsylvania and one in Virginia) and a few trails.

*A land of  
forests*

America was still a land of forests, the appearance of which was changing slowly from the assaults of settlers who looked upon trees—even black walnut, curly maple, and oak—as a redundant nuisance. Only in limited areas, chiefly in New England and the Middle states, had the plow superseded the axe as the implement of first importance. In some places, like tidewater Virginia where tobacco had impoverished the soil, many a field was being reclaimed by the encroaching forest.

*An agrarian  
population*

The population was for the most part rural—not more than 200,000 resided in towns of 8000 or more—and generally lived in such isolation as hardly to make it seem worth while to produce an excess of agricultural products. Self-sufficiency was the common rule, especially on the frontier, and life was relatively so easy as to amaze European travelers; but extreme poverty could be found. In the interior, nature was so prodigal as to discourage exertion on the part of those content merely to exist. The ambitious ones labored to improve their position, often pressing

farther west to lands that appeared more inviting. On virgin land corn could be grown for several years with little attention, once the trees were girdled or removed; cattle might provide their own subsistence; swine roamed the woods for roots and nuts, requiring no attention until prime for hams and sausage, then to be captured with "dead-fall" or gun. Game of every sort, from the deer to the lowly opossum, was abundant. Passenger pigeons blackened the sky and broke the branches of trees when settling onto them, wild turkeys infested field and brush, and fish crowded the streams. For sweetness the hard maple could be tapped, or, when frosty days offered protection from bees, marked trees might be felled for rich stores of honey.

Agriculture was still in a primitive state. Men like Washington, who gave much thought and labor to the improvement of farming methods, were extremely rare. Implements for the most part were those of generations past—the wooden plough, the cradle, and the flail were still in common use. Nor was much effort expended on the improvement of livestock, save in Pennsylvania where industrious farmers took pride in sleek draft animals, and in Virginia where a lively interest had long centered on fine riding horses. Travelers in the less favored localities of the South commented upon such ill-mated teams as a horse and a cow or a lean bull and a sad mule, the two being attached to a wagon or perhaps to a hogshead of tobacco to which shafts had been fixed so it could be rolled to market.

*Backward  
agriculture*

Where the land had been under cultivation for a considerable number of years the productivity of the soil was usually gone. The Connecticut Valley, portions of Pennsylvania, and the Valley of Virginia were notable exceptions. In the rich limestone belt stretching from the Susquehanna across Maryland and up the Shenandoah was the best farming area in the United States. There well-established farmers enjoyed bountiful harvests and gave care to the preservation of the soil. Elsewhere the rotation of crops and other means of soil fertilization were seldom practiced. In New England farmers were known to move their barns rather than spread the accumulating heaps of manure upon their impoverished farms; in Virginia tobacco-exhausted lands were being deserted for virgin acres farther west.

*Soil  
exhaustion*

*Means of  
travel*

Most Americans traveled but little. Means of communication were generally poor. The finest road was the Lancaster Pike (the first turnpike in the United States, finished in 1797) extending about sixty-five miles westward from Philadelphia. After some horses' legs were broken on the rough stones, which at first were numerous, crushed rock had been used to produce a smooth surface over which stagecoaches skimmed from end to end in twelve hours, and great Conestoga wagons crawled with their freight. Elsewhere, travel by horseback was usually the easiest as well as the fastest method; but the age of the turnpike was dawning.<sup>1</sup> Stagecoaches lumbered regularly between leading New England and Middle state cities. From New York to Philadelphia required almost two days (unless an undue amount of time was spent in mud holes); a successful trip from Baltimore to Washington in bad seasons was the occasion for rejoicing; south of the Potomac regular stages were almost unknown. Jefferson, who frequently rode between *Monticello* and Washington, wrote in 1801 that of eight rivers he must cross, "five have neither bridges nor boats."

Farmers in the North commonly did their heavy hauling in winter when snow permitted the use of sledges, and when the frozen ground would sustain the weight of great loads. Corduroy, which was still the main reliance for swampy lands, had a way of breaking up, sometimes with the loss of draft animals or even men. After 1800 many companies attempted to emulate the successful Lancaster Pike venture. By 1807 private New York companies had at least 3000 miles of turnpikes. Toll bridges followed inevitably, but the great rivers were still crossed by ferry. The age of steel remained in the future.

*The  
steamboat**John Fitch*

But the era of the steamboat was near. In a land of forests and poor roads the great rivers were utilized as much as possible for transportation. Upstream travel commonly presented serious difficulties, however—difficulties which visionaries believed might be overcome by the use of steam. John Fitch was the most outstanding among those who struggled with the problem before the

<sup>1</sup> Turnpikes were generally constructed by private capital and maintained from the tolls collected. In New England 170 turnpike companies were chartered between 1792-1810. By 1807 there were 88 operating companies in New York. Pennsylvania had as many by 1821. Turnpike companies greatly encouraged travel, but nearly all failed as financial ventures.

people were willing to support such an enterprise. After forty years of discouraging reverses he turned to steamboat building, and at Philadelphia (August 1787) in the presence of members of the Constitutional Convention, successfully launched a forty-five-foot steamboat driven by twelve paddles. Shortly thereafter, with a larger boat propelled by a paddle wheel, he was making regular runs to Burlington, New Jersey. But his company failed from lack of public support. After vainly seeking help in France he went to Kentucky, and in 1798 committed suicide.

Robert Fulton found a wealthy patron in Robert Livingston, and succeeded. Fulton made a living at portrait painting before turning to experimentation with steamboats. Going to France, he built a submarine which could actually navigate under water; but Napoleon turned it down after Fulton failed to bag a British vessel with it. Fulton then tried his luck in England. There, in 1805, he successfully demonstrated the ability of his underwater craft by blowing up a vessel, but the British were not greatly impressed. Shortly thereafter he secured financial support from Livingston, who was then American minister to France. Returning to New York, Fulton constructed the *Clermont* (the name of the Livingston estate on the Hudson), placed a British-built engine in it, and on August 17, 1807, started upstream on his epoch-making run to Albany. "Fulton's Folly" at last had broken through American apathy, and development thereafter was rapid.

*Robert  
Fulton*

Old means of transportation and travel by water were superseded only in part, however, for many years. This was notably true on the Ohio, the greatest artery of the westward movement before the Civil War. Downstream traffic could be effected on anything that would remain afloat, whether canoe, keelboat, flatboat, or various modifications of these craft.

The birch-bark canoe—indispensable in the fur-trading country where portages must be made—was much less important on the Ohio and the Mississippi than its heavy counterpart, the dugout canoe or pirogue. Hollowed from a log by adz or fire, these craft were sometimes fifty feet in length and could carry several tons. Much more effective was the keelboat—long (forty to eighty feet) in proportion to width, light draft, pointed at both ends, and capable of carrying from fifteen to fifty tons of freight. It was

*Boating in  
the West*

commonly roofed, had oars, and might be equipped with a sail for use in case of a favorable wind. Narrow, cleated runways extended along the sides to provide sure footing for the lusty crew which (faces downstream) forced the craft upstream by thrusting twenty-foot poles to the river bed, and then walking from prow to stern. Where the water was too swift or too deep (often true on the Mississippi) the boatmen waded or swam ashore, and with a long towline scrambled through trees and rocks, fighting mosquitoes, snakes, and sometimes Indians as they slowly advanced. If the current was too strong for this procedure, the towline would be attached to a tree, and by hand-over-hand hauling, or even a windlass, the craft crept along. The nearly 2000 miles from New Orleans to Pittsburgh required four months or more of this heavy labor; the downstream trip took from four to six weeks, depending upon the stage of the rivers. In a high flood as much as 100 miles per day could be covered.

The major portion of downstream transportation was by flatboat. This type of vessel included a wide variety of flat-bottomed affairs, whether roofed or not, perhaps ten feet wide and four times as long, and capable of transporting a large amount of freightage or of accommodating a family or two and their chattels from milch cow to spinning wheel. The ark was a sort of glorified flatboat. Flatboats obviously were not practical for upstream navigation, and were disposed of in some manner at the journey's end.

The growing population on the Ohio, and the heavy expenditure of man power in upstream freightage, invited the use of the steamboat. In 1811, four years after the successful trip of the *Clermont*, Nicholas J. Roosevelt launched at Pittsburgh the first steamer, the *New Orleans*, to ply on Western waters. For two years it served Natchez and New Orleans, then hit a snag and sank. Other steamers were built, but as late as 1840 when upwards of 400 were operating on Western waters the old keel- and flatboats still did a big business.

Seasoned American travelers prepared for the worst when starting a journey, and grumbled but little considering their hardships. European visitors were not so stoic, and found much in the public inns about which to complain. A stock grievance was the common necessity of sleeping two or three to the bed with whoever happened along and in sheets changed only at regular intervals re-

gardless of the number of previous occupants. The fastidious soul who demanded clean sheets and privacy paid well for them.

Poor roads meant poor postal service. During the Revolution the Continental Congress began designating roads for postal usage. On these, only, did the government have a monopoly of mail carrying. Elsewhere anyone might render such service, collecting fees as he was able. Not until 1823 were all navigable streams declared to be post roads, thus depriving steamboat captains of their income from letter fees. At first the mail was carried on horseback, slowly giving way in most places to the stagecoach which enjoyed its heyday in the Jacksonian era. In 1801 post roads totaled about 20,000 miles. The principal one extended from Maine to Georgia. In good weather mail might be sent from one end to the other in three weeks' time. Various "cross-posts" branched from the main line, the most important being that from Philadelphia by way of Lexington, Kentucky, to Nashville.

*Postal  
service*

Postal rates varied with the distance and were so high as to discourage frequent communications. The fee for a single-page letter was graduated from six cents for the first 100 miles to twenty-five



EMIGRANTS DESCENDING THE OHIO

*From Thompson & Jones, Economic Development of the United States*



cents above 400. For two sheets the charge was doubled. The lovesick swain writing daily quarter-ounce installments to his sweetheart thirty miles away would be out of pocket seventy cents a week—a sizable sum in that day. Not until 1845, in response to strong popular pressure, were rates greatly reduced. Six years later they were still further lowered to an approximation of present-day rates.<sup>1</sup>

*Character  
of towns*

Cities offered some social and economic advantages denied to rural dwellers, but for the most part they were indescribably dirty, unsanitary, and ugly. Philadelphia, with a population of 69,000, was the largest and easily the most attractive of the larger cities. It boasted lighted and well-paved streets and had a water system of sorts. Largely through Quaker influence it was a leader in charitable institutions, and had inaugurated a system of prison reform which appeared auspicious until it drove helpless inmates into insanity.<sup>2</sup> Having the federal capital for ten years helped make the city the most cultured and fashionable in the land. New York, second in population with 60,000, squatted flat and dirty on the lower tip of Manhattan Island. Open sewers were the rendezvous for the numerous swine which had the run of the town. Wretched streets were depositories for accumulating filth. Bathers swam in the reservoir from which the Manhattan Company supplied its customers. Baltimore (26,000) and Charleston (20,000), the next largest cities, were in some respects not greatly improved.

*Disease  
hazards*

The prevailing unsanitary conditions made cities a breeding place for disease. Nothing was known about germs; medical science was in an elementary stage; and faith in quack cures was almost universal. Recurring epidemics of such dread maladies as smallpox and diphtheria spread terror in their wake. Port towns as far north as Boston were visited often by the scourge of yellow

<sup>1</sup> In 1847, adhesive stamps (an English invention of 1840) were first used by the United States Government. Local delivery companies in some cities were using them as early as 1842. As late as the Civil War express companies were not only carrying mail, but the Pony Express (1860-1861) had its own stamps.

The use of envelopes became general only after the advent of adhesive stamps.

<sup>2</sup> In 1800 Connecticut's prisoners were still confined in the underground shafts of an abandoned copper mine. Elsewhere the treatment of prisoners was not much better. Most pitiable of all was the lot of the insane, unless under the care of sympathetic relatives. Excepting Philadelphia and Williamsburg, hardly a ray of light pointed to the distant day when these unfortunates would be treated as human beings rather than animals.

fever. In 1793 the toll of dead in Philadelphia was 4000. When the disease reappeared five years later most of the city's population fled. Thus deserted, houses and shops were robbed by vagabonds. Another city hazard was the fires that frequently caused great damage, because organized fire departments with effective equipment were not known in America. As in colonial days, every householder was required to be a fireman, prepared to dash with his leather bucket when church bells sounded the tocsin. Fire insurance was in its infancy in 1800, and losses were usually total.

Trained physicians were scarce. The leading medical schools were those of the Universities of Pennsylvania, Harvard, and Columbia, but their graduates were few. The most famous doctor of the day was the Edinburgh-trained Benjamin Rush of Philadelphia, a signer of the Declaration of Independence. For many years he labored to disseminate such knowledge as was known to medical science, but progress was slow. When, according to present-day standards, the knowledge of the most advanced in the profession was elementary, the ignorance and superstition which characterized the practice of the average doctor may well be imagined.<sup>1</sup> Purging and bleeding were stock cures for almost every malady. When Washington was attacked by quinsy, an acute inflammation of the throat for which no cure was then known, the doctors bled him three times, probably hastening his death. Barbers commonly did plain and fancy bloodletting, while blacksmiths extracted teeth. Dentistry as a profession was hardly practiced before 1800, although John Greenwood of New York was gaining a reputation for his success with artificial teeth. One of his patrons was George Washington, for whom he made two sets.

*The practice  
of medicine*

*Dentistry*

On the frontier, where home remedies were numerous and awe-inspiring, poorly trained physicians felt impelled to prescribe heroic remedies in order to justify their existence. Recovery

*The frontier  
and surgery*

<sup>1</sup>The contempt and distrust felt for the average doctor is well expressed in the following letter written by John Randolph to his friend Dr. Brockenbrough: "I never expected, when the clock struck two, to hear the bell again; fortunately, as I found myself going, I dispatched a servant (about one) to the apothecary for an ounce of laudanum. Some of this poured down my throat through my teeth restored me to something like life. I was quite delirious, but had method in my madness for they tell me I ordered Juba to load my gun and to shoot the first 'Doctor' that should enter the room; adding, 'They are only mustard seed and will serve just to sting him.'"

under such conditions was more often a tribute to the stamina of the patient than to the skill of the doctor. Until an anesthetic was proved practicable in the eighteen-forties, surgery was limited for the most part to amputations. But to Ephraim McDowell of Kentucky, trained at Edinburgh, goes the distinction of performing successfully (1809) a major abdominal operation which the great surgeons of England and Scotland had said meant inevitable death. Perhaps the greater honor should be accorded the woman whose courage and strength sustained consciousness to the end of the ordeal. Of such stuff were pioneers made.

*Science and  
education*

In the field of physical science and invention notable progress was being made. The Yankee genius for inventing gadgets found expression in many labor-saving devices, the most important during the period being the cotton gin and the steamboat. Philadelphia, the old home of Franklin, was America's scientific center, and there the experiments begun by that pioneer in electricity were being extended. There lived Joseph Priestley, friend of Jefferson and the discoverer of oxygen, and there Doctor Rush (sometimes called the father of chemistry in America) taught chemistry in the University of Pennsylvania. In 1802 Benjamin Silliman began at Yale his famous career in chemistry and natural science. He was representative of the type of forward-looking research being done in several other institutions. Interest in education was reflected in the founding of twenty-one colleges from the end of the Revolution to 1800. However, for the most part, the average college curriculum was but little changed. Ancient languages, logic, ethics, and moral philosophy remained the standard academic diet.

*New England  
thrift*

Already by 1800, thanks to the activity of Yankee merchants and men of commerce, Americans were acquiring the reputation in Europe of being primarily interested in making money. In New England, where thrift was a cardinal virtue, idleness was a sin. To make an honest penny the population turned to a thousand activities from the production of shoe pegs to ships. The numerous waterfalls provided the power through which many a humble beginning in textiles grew to a substantial business. Nor was it by accident that so many impressive New England fortunes were founded upon rum making. A traveler observed that "A

Bostonian would seek his fortune in the bottom of hell, but a Virginian would not go four steps for it."

The development of the textile industry under power-driven machinery was retarded by British regulations prohibiting the exportation of any plans, models, machines, or data thereon. Old *The textile industry*



THE SECOND SLATER MILL (1793), PAWTUCKET, R. I.

*Culver Service*

England had no intention of losing the advantage which revolutionary textile machinery gave her. Encouraged by rewards offered in America for the building of textile machines, Samuel Slater, a young Yorkshire textile worker, acquainted himself with the spinning and weaving machinery of Edmund Cartwright, Samuel Crompton, and James Hargreaves. Then, because the emigration of textile workers was forbidden, he came to America under disguise, and from memory built machinery and set up a

mill (1790) at Pawtucket, Rhode Island. Thus were laid the foundations of New England's cotton industry.

*Southern  
leisure*

Southerners generally evinced a strong distaste for manual labor. The upper class considered such activity as proper for redemptioners and slaves only, and frowned upon self-imposed exertion unless expended in fox hunting, horse racing, cockfighting, engineering an election, or dancing. If a portion of this class succeeded in cultivating the art of leisurely living, the majority succeeded only in amassing a debt or in postponing the day of final reckoning for debts that were inherited. The middle class provided most of the energy, and moved into the higher social scale as the acquisition of land and slaves permitted, or perhaps migrated westward seeking new opportunities. The "poor whites"—probably ex-indentured servants or their descendants—did nothing that a low level of existence might not necessitate, and were but little disturbed in their idleness.<sup>1</sup> However, from top to bottom of the social scale there were numerous exceptions to the common rule, and in these exceptions are to be found the many men who continued to provide fine leadership for the nation.

*Social  
classes*

In 1800 social stratification in the older portions of the country was still pronounced, but there were no insurmountable barriers anywhere. The families of commerce and merchandizing in the North and of the planters in the South, at the top of the social scale, enjoyed economic and political influence out of proportion to their numbers. Next below were those engaged in the professions. The interests of this class were commonly closely allied with those of the charmed upper circle, into which entrance was easy.

Far more numerous than all others combined were the "great unwashed"—the artisans, laborers, and small farmers who, if not actually disenfranchised, exerted but little political influence although Jeffersonian democracy was just opening avenues for future power. Compared with the lot of Europe's poor their status was enviable; but the principles proclaimed in the Declaration of Independence were far from being universal in their application. Slaves, according to the thinking of the age, had few

<sup>1</sup> The term "poor white" meant something more than economic poverty. It was applied to a small group, usually squatters on the least desirable land, below the yeoman farmers, artisans, and frontiersmen.

if any rights which the white man need respect. Woman's place was definitely in the home—even if she did not always stay there—and any suggestion of naughtiness on her part was a matter of grave concern.

Americans at the turn of the century were not without social diversions. In New England, where a measure of the old Puritan rigor still obtained, staid elders might frown upon any "waste" of time; but the generality of the population, particularly the young people, found many occasions for indulging a love for recreation. The Middle state and Southern conscience did not have so much compunction about the use of spare time, and almost everybody loafed through the slack seasons of an agricultural existence. In rural areas everywhere the husking bees, quilting parties, wedding dances, and house warmings offered opportunities for frisking. Sleigh riding was popular where it could be indulged for pleasure. Male animal spirits found expression in shooting matches, running, football (not the present-day variety), wrestling, weight-throwing, and rough-and-tumble fighting. Fighting in backward localities reflected the stark brutality of the frontier. It was of the knock-down-drag-out variety, punctuated by kicking, biting, gouging—nothing barred. Men sometimes trained a thumbnail for the fray, and many was the nose, ear, or eye given as hostage to the sport. A traveler on the Ohio was told that a fair criterion by which to judge the respectability of a tavern was the retention or absence of the landlord's ears.

*Recreation  
of the com-  
mon people*

Drinking was excessive and almost universal. Even in New England public events and holidays—Thanksgiving not excepted—were occasions for lively indulgence. Wine was still imported for those who could gratify a refined taste, while whiskey or rum was the common tipple of the poor. Wakes and funerals were sometimes relieved by drink. The mourners accompanying the body of Andrew Jackson's father fortified themselves against grief and cold to the extent that they arrived at the place of burial only to discover that they had lost the corpse on the way. A considerable portion of every class gambled. Horse racing, cockfighting, cards, and the lottery provided ample outlets for the gaming spirit.<sup>1</sup> Public improvements and buildings of every sort, including

*Drinking  
and gaming*

<sup>1</sup> Virginia had long before made horse racing the king of American sports. In 1800 New England had no race courses.

churches, commonly received aid through lotteries. Harvard was among the colleges which raised revenue from this source. The federal capital at Washington had been furthered the same way.

*Upper class society* The social diversions of the upper classes were commonly more genteel than were those of commoners in town and country. The aristocracy of Virginia—the Carters, Lees, Randolphs, and others—was still fairly secure in the enjoyment of a society which in some respects was the most pleasant America has known. But uneasiness pervaded the Tidewater. Economic decline already had set in. Primogeniture had been swept away through the efforts of Jefferson and George Wythe; then Jefferson and Madison succeeded in separating Church and State. The close relation between the families of the gentry and the Episcopal Church was broken, to the lasting injury of both. Outside Virginia “higher society” was largely confined to the leading cities. Clubs of many varieties had existed for at least three-quarters of a century, but in 1800 club-houses were not yet in existence. Coffeehouses served as a substitute. One of the most famous was the Tontine in New York, a favorite rendezvous of substantial businessmen.

*Fashions in dress* Entertaining was confined for the most part to the home, but the theater provided opportunity for public display of feminine finery. Even in Boston, where the clerical influence was still powerful, godly prosperity extended a welcome to actors and dancing masters. Indeed, Boston society had become so “fast” that a distinguished visitor predicted bankruptcy within twenty years. In dress the French influence was strong. Staid gentlemen clung to knee breeches, ruffles, and colors which combined beauty with a degree of concession to comfort; but male devotees of the latest French fashion sacrificed comfort and good taste as at no other time in American history. Pantaloon reached the armpits and were so tight as to make sitting impossible. Feminine fashion was even more extreme. Men calculated the moral consequences of a ballroom ensemble that might be tucked into a gentlemen’s vest pocket.

*The theater* Boston, Philadelphia, and Charleston each claimed to have the most elegant theater; but no matter how fine the furnishings, “the blades in the gallery” of Northern houses felt free to tease, pelt with fruit, or spit upon well-dressed gentlemen who entered

the pit. The concert and the opera had made fair beginnings in the largest cities, Charleston proudly claiming the honor of introducing both as early as 1735.

If Philadelphia was the most fashionable city in America, and if Baltimore was famous for its beautiful women and fast ships, Charleston could boast the most celebrated annual concerts and balls in America—those of the St. Cecilia Society. This society was formally organized in 1762 after twenty-five years as an amateur musical club. After 1821 the annual ball reigned alone. To this day wealth can not buy an invitation, but there are inmates of the poor farm—impoverished scions of families ruined by the Civil War—who are still on the roster of the elect.

*St. Cecilia  
Society*

Despite the trends produced by growing cities and increased wealth, religion and the Church were still important in the lives of the people. The lowly, particularly, could find solace in dwelling upon the glories of the hereafter for the godly. Congregationalists, Baptists, Methodists, and Presbyterians might each condemn the "unsound" doctrines of the other—the Catholics and Episcopalians going their untroubled way, serene in the assurance of an ancient creed—but all were orthodox respecting the divine inspiration and infallibility of the Scriptures, the biblical story of the creation, original sin, and a literal heaven and hell. If man were to escape the torments of the damned he must seek divine forgiveness, and it was the duty of the minister constantly to admonish his flock to be on guard against the snares of the devil.

*Churches and  
orthodoxy*

But in 1800 there was a liberal sprinkling among the population of the Middle and Southern states which had renounced these religious tenets as unworthy of intelligent people. Deism—emphasizing a rational morality, the revelation of God in nature, and the right of free thinking—had made many converts before the Revolutionary War. Washington, Franklin, Jefferson, and Madison were Deists of some degree. The French Revolution made a further assault at the gates of orthodoxy and provoked a heated counterattack on the part of the clergy.

*Deism*

In New England, where the Church was not yet divorced from the State, survivals of Puritanism were still powerful. But Harvard and Yale were already strongholds of liberalism; and Unitarianism with its doctrines of hope and cheer, as contrasted with the

*Religion in  
New England*



gloom of Calvinism, was threatening to split the Congregationalists asunder. Calvinism, with its harsh doctrines such as predestination and infant damnation, was suited to the hard life of earlier days when men and women struggled to conquer the wilderness. But when life became easier, and beauty was found in nature, God became a being of love and kindness rather than a creature of wrath and punishment.

*In the South* In the South, where the shock of the Revolution and of French influence appeared most pronounced, the atheistic trend was halted by evangelical movements among Baptists, Methodists, and Presbyterians. The driving force in this counter-movement to restore old-fashioned faith was Francis Asbury, the first Methodist bishop in America (1784). Asbury typifies the self-sacrificing faithfulness and devotion of the circuit rider who served the lonely stretches of the newer South and the frontier. The common bad-weather saying, that "There is nothing out today but cows and Methodist preachers," is a homely tribute to these apostles of the better life.

*On the frontier* Nowhere at the turn of the century was the religious scene so dramatic as that of the trans-Appalachian frontier. There the "Great Revival" lasted from about 1797 to 1805. Barring evil characters who might migrate in order to find freedom from restraint, the pioneer was likely to be as religious by inclination as the residents of old communities. But the nature of his surroundings offered little opportunity for formal indulgence, either in respect to churches or ministers, and led naturally to many adaptations to frontier conditions.

From the days of the French occupation of the Ohio, Catholic priests ministered to the people in settlements such as Vincennes and Kaskaskia. But by 1800 Presbyterians, Methodists, and Baptists were most numerous throughout the frontier. Because the Scotch-Irish blazed the settlement of Kentucky and Tennessee, their church (Presbyterian) had the most adherents. The self-governing character of the Presbyterian Church encouraged the Scotch inclination toward assertive leadership; but the intellectual content of its doctrines was commonly too tough for the frontiersman. For this reason, Princeton-trained theologians, even if willing to serve in a frontier vineyard, found unreceptive listeners. The Westerner lived in a world of stark realities, where the edu-

cated man was the exception and where crude tastes, manners, and speech were the rule. He demanded preachers who could speak his language. These he found in Methodist and Baptist circuit riders who adapted themselves to frontier needs, appealed to the emotions rather than the intellect, and dwelt upon the everlasting torment of the damned until their listeners were impelled to action by an overwhelming urge for salvation.

Throughout the West the fervor of revival spread, reaching a climax in the camp meeting at Cain Ridge, Kentucky, in August 1801. There a crowd estimated as high as 25,000—the largest city west of the mountains had less than 2000—maintained a continuous session of sustained enthusiasm for six days and nights. The number of the “spiritually slain” ran into the thousands. Emotional release, there and elsewhere, found expression in violent and involuntary physical manifestations, such as falling to the ground unable to move, convulsive muscular action (the “jerks”), barking like dogs about a tree (“treeing the devil”), and the “holy laugh.”

*The “Great Revival”*

The violent nature of the Great Revival is to be understood as a natural reaction to the drab and lonely existence of people grown hungry for the companionship of their fellows. The varied activities of the outdoors made life bearable for men; but the lot of women was an exhaustive, spirit-crushing routine of providing for the needs of a growing family within the narrow confines of surroundings which made no concession to the feminine love of beauty and comfort. Tragic accidents, sickness with no doctor available, little graves—mute testimony to the anguish of those who gave most in the conquering of the wilderness—such were the common experiences of starved souls who found emotional release in the camp meeting.

The religious ferment on the frontier at the turn of the century was but one aspect of the unrest which characterized the times, and which swept Jefferson into power. Young America was testing its capacity to do as it pleased, or at any event making a try at it, and was rather enjoying the experience.

## Chapter Twenty

### JEFFERSONIAN DEMOCRACY

*The  
"Revolution"  
of 1800*

THE REPUBLICAN victory of 1800 has often been called a revolution. Such was the opinion years later of Thomas Jefferson, pondering in retrospect the highlights of an eventful career. But viewed with the perspective which nearly a century and a half provides, it seems that the change was more apparent than real. New men, objecting strongly to the Federalists and their policies, came into power; but in time they grew to be not unlike their predecessors. Under neither Federalists nor Republicans was the United States in real danger either of monarchy or of mob rule. However the control of federal power was transferred to the agrarian class. New England gave way to the South, and until 1825 the Presidents were Virginians.

*Jefferson*

Of all great Virginians Jefferson was the most colorful. Throughout a long life the tireless energy of a tough body and a strong and inquisitive mind led him to explore nearly every known field of learning. Even as a youthful student at the College of William and Mary his scholarly inclinations made for him a place in that brilliant circle composed of Governor Francis Fauquier, Dr. William Small, and George Wythe. And so was charted a course from which he never turned.

*A democratic  
aristocrat*

In theory, at least, Jefferson was a democrat. He dreamed of an America in which unjust barriers would be erected against no man, and he labored toward the fulfillment of his dreams. If he lived in two realms, one of theory and the other of fact, and if he sometimes appeared to compromise his ideals, it was because he had the good sense to temper his judgment to the wind of necessity. But he possessed certain deep-seated convictions, such as the ultimate triumph of reason and justice, which gave him the strength for leadership of men. He was a consummate politician as well as

a great statesman. Actually, in every social sense, this Virginian was an aristocrat. Nothing less than the best would satisfy him. He loved music, so his violin must be a Stradivarius. He could not live without books, so he built up the finest private library in America. He designed and built the most beautiful home in America. Indeed, his plans and affection for *Monticello*, beginning when he was fifteen, spurred his interest in structure and form until he became the leading American architect of his generation. Several splendid country houses, the Capitol of Virginia, and the Quadrangle of the University of Virginia still stand as a tribute to his taste and skill.

Jefferson took an active interest in the farming of his 10,000-acre estate. Like Washington, he was always making improvements and adding new machinery whenever possible. His inventions included a seed drill and improvements on a threshing machine which he imported from Scotland—the first seen in Virginia. While minister to France he was awarded a gold medal for a notable improvement which he made in the plow. In season he was constantly experimenting with plants from roses to squashes, domesticating a great number of trees, shrubs, and vines, and introducing new varieties of European plants which he thought might be adaptable to America. His efforts with French olives and Spanish cork trees were not successful, although thanks to his determination Charleston secured Italian rice, and in time was able to produce the finest in the world.<sup>1</sup> But whatever his interests or activities, his dreams centered in *Monticello* and the charm of its setting. In his intense love for the beautiful, especially in nature, may be found a key to Jefferson's faith; for he was devoutly religious. His unorthodoxy, however, made him anathema to many.

*Jefferson  
the farmer*

At twelve o'clock, March 4, 1801, Jefferson walked the short distance from his lodgings to the partly finished Capitol. Ac-

*The  
inauguration*

<sup>1</sup> While minister in France, Jefferson became greatly interested in Italian rice because of certain advantages which it possessed over that grown in South Carolina. Making a trip into Italy, he learned of an embargo against the export of "unhusked" rice, so he bought a few pounds and carried it in the pockets of his greatcoat. He then sent small parcels by three different conveyances to William Drayton of South Carolina in order to be sure that the precious seed would arrive safely.

companying him were two members of the outgoing administration, a few friends, and a military escort.<sup>1</sup> Shortly after being seated in the Senate Chamber between the ambitious, brilliant, and profligate Burr and the new Chief Justice, "tall, lax, lounging" John Marshall, Jefferson read his inaugural address in a low voice. Thus simply and unimpressively was Jeffersonian Democracy inducted into office.

*Democratic  
simplicity*

That Jefferson walked to his inaugural instead of riding in a coach with six was symbolic of the pursuit of simplicity which he advocated. It was ordinary common sense too, quite in keeping with the surroundings of the new federal capital. The Spanish minister, Yrujo, attempting to drive in state, stuck in the mud for his pains. "Washington City" was glaringly new, a condition which ten years of preparation had done but little to ameliorate. When Congress, in 1790, authorized the location of the seat of government on the Potomac there was no intention of spending the nation's money on it. Virginia and Maryland made appropriations to launch the enterprise, and the real estate speculations of Robert Morris and his associates helped to keep it going.<sup>2</sup> Major Charles L'Enfant, with the help of Washington and Jefferson, planned the city.<sup>3</sup> But the inspired dreams of the Frenchman had not ripened into anything approaching fulfillment by 1800 when the government of Adams established its residence on the Potomac.

*Washington  
in 1801*

The finished wing of the Capitol stood upon a splendid eminence above the river, while over a mile away "The Palace," as it was satirically dubbed, dominated its own hill. Between the two was a swamp through which the Tiber (the newly rechristened Goose

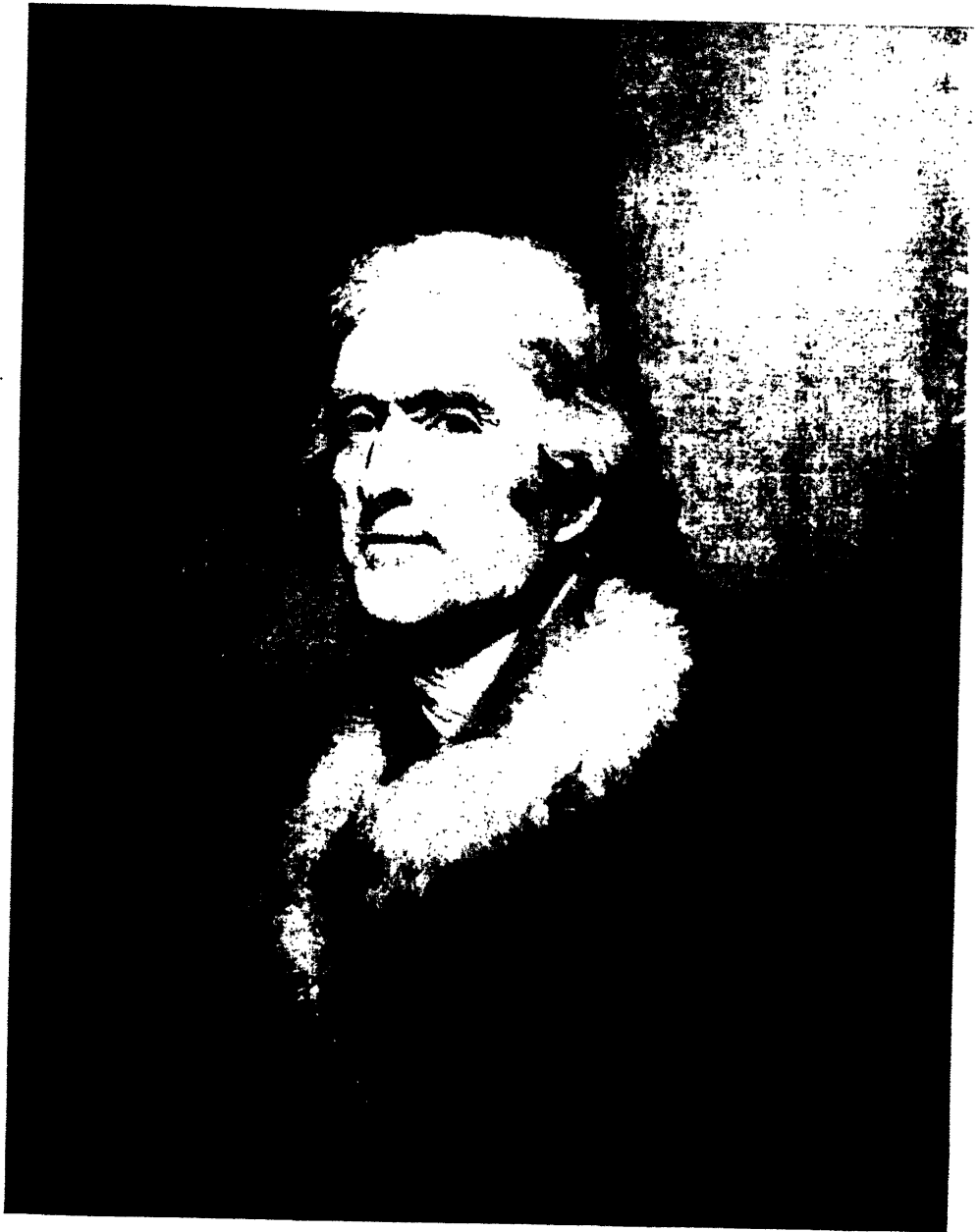
<sup>1</sup> President Adams did not grace the ceremonials with his presence. He spent most of the preceding night with preparations for departure, then, tired and in no mood to witness the triumph of his rival, called his carriage and left the city before dawn.

<sup>2</sup> Virginia's offering was \$120,000; Maryland's \$72,000. Morris' venture failed, and he landed in a debtor's jail.

The District of Columbia originally included territory on the Virginia side of the Potomac, but in 1846 it was returned to Virginia.

<sup>3</sup> It was Jefferson's suggestion that the Capitol and the President's residence should be widely spaced at opposite ends of a street.

William Thornton, an American, and B. H. Latrobe, an Englishman, designed the Capitol. Captain James Hoban of Charleston, S. C., earlier of Ireland, designed the President's residence. The "White House" received its name, it seems, after the war of 1812 when it was painted white to cover the discolorations made by smoke. The name became official in Theodore Roosevelt's administration.



THOMAS JEFFERSON, PAINTED IN 1805 BY REMBRANDT PEALE

*Courtesy of the New-York Historical Society, New York City*

Creek) meandered lazily to the Potomac. The remainder of the village was made up for the most part of scattered and unsightly dwellings, stores, and the paraphernalia attendant upon construction. Unfinished newness was the dominant note throughout the town, although it was mitigated at first by the presence of some splendid groves of trees. But the inhabitants made short work of removing this "obstruction" in the interest of revenue from firewood. Jefferson's only recorded wish for the power of a despot was that he might save the magnificent tulip trees which fell before the woodsman's axe. Dust, mosquitoes, and mud gave variety if not pleasure, and miring down in the principal streets was a common experience for carriages. As late as 1818 the Secretary of State had to wade out through the mud after his carriage stuck near the Treasury corner.

*Prevailing  
newness*

It was a fortnight before Jefferson took up residence at the White House. He was in no hurry to face its unfinished magnitude. The roof leaked, the plastering had not been finished in all the rooms, and the main stairway had not been built. Mrs. Adams has left an enduring description of its winter discomforts. She used the East Room, since become so famous, for drying clothes. Disgruntled Federalists and a critical diplomatic corps might complain—they had no zeal for democratic simplicity. "*Mon Dieu!*" wailed a French diplomat, "What have I done to be condemned to reside in such a city!" But Republicans were inclined to be sporting about the prevailing discomforts even though their wives generally refused to grace the capital city with their presence. Since all cities begin young, they had hopes for Washington.

After all, sessions of Congress were brief, and most of the year could be spent at home. Even their President remained away during a considerable portion of each summer.

*A social  
revolution*

The setting was favorable for a revolution in social affairs. Since Jefferson had no wife to give him proper supervision in the amenities of polite social intercourse,<sup>1</sup> he did as he pleased and seemingly experienced much pleasure in doing it. The stiff and punctilious formalities of the two preceding administrations irked the new President. Why should a democracy pattern after the

<sup>1</sup> Jefferson's wife died in 1782. He never remarried. His daughters had homes of their own to care for.

royal courts of Europe? So Jefferson discarded the established rules of etiquette (Hamilton had written them anyway) and substituted instead what he called the rule of "pele-mele"—there should be no precedence other than that of ladies before gentlemen. Instead of holding weekly levees, as Washington and Adams had done, he designated two days only, January first and July fourth, for public receptions. On these occasions he prevailed upon Mrs. Madison to serve as his hostess. But he threw the White House open to all comers, even as at *Monticello*. Adams, with a grain of spite, wrote that Jefferson's whole eight years was a levee. Certainly it cost the Virginian a pretty penny, for his

GEORGETOWN AND CITY OF WASHINGTON ABOUT 1800. DRAWN BY G. BECK, PHILADELPHIA; ENGRAVED BY T. CARTWRIGHT, LONDON. PUBLISHED JANUARY 1, 1801, IN PHILADELPHIA

*Stokes Collection, New York Public Library*





dinners must be of the best. His wine bill alone, for the first term, amounted to well over \$8000.

*Anthony  
Merry is  
insulted*

In the matter of dress Jefferson inclined to comfort rather than style, though when he donned his best clothes, including wig and frilled shirt, his was the appearance of an aristocrat of the first water. A senator who mistook the President for a servant described him as being "dressed, or rather undressed, in an old brown coat, red waistcoat, old corduroy small clothes much soiled, woolen hose, and slippers without heels." Jefferson's personal appearance on the occasion of Anthony Merry's first call has become the classic example of how a President should not dress for company. The new British minister was arrayed in full court regalia, and expected an audience in keeping with his dignity. But the Master of the White House was attired in old clothes, including slippers "down at the heels," the whole ensemble "indicative of utter slovenliness and indifference to appearances." Merry was shocked and hurt. He felt that the performance was a studied insult to him and His Majesty's government. He was more than half right. American ministers in London had been slighted often—Jefferson would teach the British a little lesson concerning the matter of consideration for the feelings of another people.

But the worst had not come. The President gave a dinner in honor of the Merrys. Instead of offering his arm to Mrs. Merry, when dinner was announced, he conducted the charming Dolly Madison to the table and seated her at his right. A similar performance shortly afterwards, when the Madisons entertained, finished the social morale of the Merrys. The rule of pell-mell was not universally popular. Jefferson knew perfectly well what custom and the rules of precedence dictated—he had spent four years in the most fashionable court of Europe—but he was President of a republic founded upon principles of freedom and equality. He would not ape monarchical governments!

*Jefferson's  
first  
inaugural*

In matters of greater importance the revolutionary changes which Federalists feared, and many Republicans desired, did not materialize. Jefferson's inaugural address was notable for its spirit of conciliation. Inasmuch as the voice of the people had determined the election, "according to the rules of the Constitution," he expressed the belief that

all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. . . . But every difference of opinion is not a difference of principle. . . . We are all Republicans, we are all Federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.

He then set forth the leading principles which should obtain within a democracy:

Equal and exact justice to all men . . . the support of the State governments in all their rights . . . absolute acquiescence in the decisions of the majority . . . the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened . . . freedom of religion; freedom of the press, and freedom of person under the protection of the habeas corpus, and trial by juries impartially selected. These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation.

Thus in brief we find a summation of the main tenets of the political philosophy which underlay Jeffersonian Democracy. "Economy in the public expense" was not advocated because of any penuriousness in his philosophy or natural inclinations, for he was one of the most generous of men. It was, rather, because he wished to keep the government relatively powerless, lest it interfere with the "freedom" or liberty of the people. And here we find the acme of Jefferson's political philosophy. As much as anyone he appreciated the inescapable necessity of establishing a workable balance between liberty and order—the great problem with which the members of the Constitutional Convention struggled—but he feared the tyranny which so easily might flow from a powerful government. In the popular mind John Adams and Jefferson stand as classic examples of two opposing philosophies of government; the one of "the rich, the well-born, and the capable," and the other of the people. Actually, to a remarkable

*Philosophy of  
Jeffersonian  
Democracy*

degree, their ideas were basically similar, as their writings make abundantly clear.

As we remember, there was a decided movement away from strong central government soon after the Constitution was put into effect. Hamilton's measures and the fear of monarchical rule—stimulated as it was by the stiff formalities of Washington's "court"—were to a considerable extent responsible. Moreover the French Revolution was an impelling force toward democracy. Jefferson was in France during the first years of her upheaval. Returning to America in 1792, he found a friendly atmosphere for the furtherance of the well-known principles which he had so eloquently expressed in the Declaration of Independence.

*Consent  
of the  
governed*

The essence of Jefferson's democratic belief was faith in the capacity of the common people for self-government. However it should be remembered that nine-tenths of the Americans of his day were agriculturalists, and that the people he had in mind were independent farmers. He feared industrialization and the proletariat which might result from it, as in London and Paris at that time. Convinced that America would for many generations remain a land of sturdy freeholders, it was the easier to believe that the government which of necessity must be instituted among them should rest upon their consent *at all times*. Thus a constitution once made is not final; for inasmuch as "the earth belongs in usufruct to the living," as he reasoned, it follows that one generation has no right to impose bonds upon another. The fundamental law, therefore, should be changed by each generation, if it so desired, in order that "the consent of the governed" might remain the basis of government. Two methods he proposed: periodic constitutional conventions (several of the Revolutionary state constitutions contained expression of the principle), and rebellion. He was not disturbed over Shays' Rebellion because he believed that men, even though misdirected, might better take up arms than tamely submit to what they deemed to be oppressive injustice. But, be it added, he did not expect to see many lives lost in such rebellions, even if they should occur.

*Enlightened  
citizenry*

Because Jefferson considered a government to be republican in direct ratio to the participation of its citizens, he strongly advocated local governments (the effectiveness of the New England

town meeting greatly impressed him) as a check to centralization, and a system of education in order that public opinion might be enlightened. Better that we should have newspapers without government than government without newspapers, he once said. In the University of Virginia, opened the year before his death, he realized a portion of his dream for universal secular education of all who would benefit from it. Finally, although he had solemnly declared that all men are created equal—equal in rights *Equality* but not in ability, he meant—he understood as well as anyone that in practice some limitations were inescapable in the interest of good government. Officeholding, he believed, should be restricted to *natural* aristocrats—men of virtue and talents. Not until the days of Andrew Jackson did the plain people rebel against the election of their “betters.”

Jefferson did not live to see his theories carried out, except in part, but he provided such an impetus that he is still regarded as the great champion of democracy.

Jefferson's inaugural was an honest expression of Jeffersonian idealism, tempered it is true by the exigencies of politics.<sup>1</sup> *The civil service* Federalist misgivings were measurably allayed, but consternation spread among office-hungry Republicans. Jefferson soon realized that some election debts must be paid at the expense of Federalist incumbents. After 1795 Washington had not appointed to office anyone whose Federalist principles were in doubt. To do so, he said, would be political suicide. Adams followed the same course of action. In several states rotation in office was coming to be accepted as a feature of party government. Why should the new President not proscribe the Federalist incumbents? Jefferson made a tentative beginning by removing some of those who had been appointed by Adams after the outcome of the election was known, together with the “midnight” appointees whose commissions had not been delivered.<sup>2</sup> The Federalist press raged, but since there was no general proscription the reaction, on the whole, was favorable. During the entire administration a surprisingly small number of civil servants were removed for political reasons.

<sup>1</sup> In several states the election was close. The Republicans had a majority of only two in the Senate. Jefferson wished to conciliate New England.

<sup>2</sup> These were the officials appointed by Adams, shortly before his term expired, to positions created by the Judiciary Act of 1801.

*The cabinet*

In choosing his cabinet Jefferson made a definite attempt to conciliate New England, where opposition to his election had been most pronounced. General Henry Dearborn and Levi Lincoln, both of Massachusetts, were made Secretary of War and Attorney-General respectively. The Postmaster-General, Gideon Granger, was from Connecticut. But for the more important Departments of State and the Treasury he chose his friends, James Madison and Albert Gallatin. Born into an aristocratic family of Switzerland, Gallatin grew up to embrace principles of democracy. He came to America as a young man during the War for Independence. After brief periods of residence at various places, including a year's teaching at Harvard, he settled in western Pennsylvania. His capacity for leadership made for rapid advancement, and he had become a prominent Republican member of the House of Representatives before the success of the party in 1800.

*Jefferson's  
plans for  
the navy*

Filling the Navy Department proved difficult, partly because it did not carry very much prestige and partly because Jefferson disapproved of the navy and proposed laying up all seven of the frigates in the Potomac where "they would be under the immediate eye of the department [navy] and would require but one set of plunderers to look after them." At one time he laughingly said that he might have to advertise for a secretary, but finally Robert Smith of Maryland accepted the post.

In making his astonishing recommendations for the navy Jefferson did not forswear the idea of defending American shores in case of necessity. But, he said, the navy was so small that "for defense against invasion" it would "be as nothing." He recommended, therefore, the construction of a great number of small gunboats to be manned by a "naval militia," recruited only as occasion might demand. The small craft might be taken from the water when not in use, thus effecting a considerable economy; moreover, their construction by many small shipbuilders would be democratic in principle and, incidentally, win support for the administration. Congress responded with an initial appropriation of \$50,000, and building began. The resulting craft were narrow in proportion to length—built for speed—and carried one gun. But, according to report, they proved so unseaworthy that their little crews experienced great difficulty in navigating them in

rough water, and even stowed their gun away in order to lessen the danger of capsizing.

The first gunboat to be built was sent to Savannah. Along came a hurricane, and with it a tremendous tidal wave. When the elements subsided, Gunboat Number One was found in a corn-field eight miles from the coast. So Jefferson's critics were soon enjoying jokes at the expense of his "Mosquito Fleet," and Federalist dinners were enlivened with such toasts as: "Gunboat Number One: If our gunboats are of no use upon the water, may they at least be the best upon the earth." In 1805, nine of the frail craft—gunwales less than two feet above the water—were sent to the Mediterranean. Number Seven, with all on board, was engulfed by the ocean. The others arrived after the Tripolitan war was over.

*His  
gunboats*

Such embarrassments failed to destroy Jefferson's faith in his gunboats. Construction continued until over 200 of them infested American waters by the time of the War of 1812. During that encounter with the British navy they proved little more effective than the mosquitoes for which critics named them. On one occasion fifteen of them bombarded a becalmed British frigate for half an hour, but were able to inflict only slight damage. It is fortunate for Jefferson that his reputation as President did not rest upon his naval policy.

The pursuit of simplicity included a promise to lower taxes but at the same time reduce the national debt which had grown under Federalist management to approximately \$80,000,000. The hated excise tax on whiskey was removed—to the great joy of the frontier, but with considerable loss to the Treasury—and a rigorous regimen of economy was inaugurated. Expenditures were cut to the bone. In place of the old system under which appropriations were made in lump sums for various branches of service, Gallatin inaugurated the system of specific appropriations by Congress. Even so, the promise of debt reduction must have been fulfilled only to a small degree, if at all, but for European need of New World products, and a lucky British admiralty decision in the case of the *Polly* in 1800. The consequent increase in foreign trade caused customs receipts to leap upward. When Jefferson's administration ended, \$33,000,000 of the national debt had been paid—a high compli-

*Gallatin's  
financial  
policy*

ment to Gallatin's able management of the Treasury Department.

*Gallatin vs.  
Hamilton*

If Albert Gallatin was not the equal of Hamilton in his understanding of public finance, he was a close second. Certainly these two foreign-born aristocrats stand out above all others who have directed affairs of the Treasury Department; moreover, they represent two contrasting ideas of financial policy. Hamilton took the long view. He cared much about the financial stability of the government, but little about paying the debt which was greatly increased to produce it. In fact, he had encouraged federal indebtedness in winning the support of the capitalist class. Gallatin, on the other hand, exemplified the conduct of the thrifty individual who follows a system of careful economy in order to liquidate his obligations. The national debt, thought Jefferson and Gallatin, was a mortgage to be paid off as soon as possible. However, with due regard for Gallatin's painstaking economies, Hamilton's financial system was too well established to be overturned. It remained with little fundamental change.

*Repeal of  
Federalist  
legislation*

An important feature of the Republican program was the repeal of obnoxious Federalist laws against which Republicans had fulminated with such vigor. The Alien and Sedition Acts expired by limitation of time, but the Naturalization Law fell. The residence requirement was again placed at five years. The Excise Tax Law was repealed, likewise the Judiciary Act of 1801. This Judiciary Act was one of the most untimely and unfortunate of Federalist mistakes. Insisting that the federal court system badly needed reorganization, which apparently was true, and having failed in the session of 1799-1800, the Federalists pushed the measure through Congress less than three weeks before the Republicans took office. It provided for sixteen new judges, together with other officials, and relieved the justices of the Supreme Court from the onerous duty of "riding the circuit." Unquestionably some Federalists were motivated by the desire to provide offices for some among them who could not hope for appointments after March fourth of that year. The Republicans were outraged at this "last-ditch" effort to perpetuate nationalism through the judiciary. In the words of John Randolph, they wished to "give a death-blow to the pretension of rendering the judiciary a hospital for decayed politicians." By destroying the courts which had been

created by the act, a considerable number of judges were automatically removed from office, thus raising a nice question of constitutionality.

Repealing the Judiciary Act was but one feature of the strategy in a general assault upon the courts. Through the election of 1800 the Republicans had gained control of two branches of the government, but the federal judiciary remained Federalist to a man; and heading the list was John Marshall, a fact which Republicans were to rue for many years to come. One of the last official acts of Adams had been to appoint his Secretary of State to the Chief Justiceship. If, by this rather narrow margin of chance, Marshall had not been so honored, it is highly probable that this Virginian, "born to be Chief Justice of any country in which he lived," would have been the victim of a miscarriage of fate. Although a kinsman, he was an enemy of Jefferson, and before the new administration had been long in power he defied the President by his opinion in the case of *Marbury vs. Madison* (1803), thus inciting the Republicans to a renewal of their efforts to make the judiciary responsible to the will of the people as expressed in the political complexion of Congress.

*Attack on  
the judiciary*

Marbury was one of the "midnight" appointees whose commission had not been delivered when the Republicans took office. He sought a writ of mandamus from the Supreme Court under the Judiciary Act of 1789, which authorized such action by the Court. Marshall, writing the opinion of the Court, held that Marbury had the right to the commission, because, as he reasoned, the Secretary of State, like other people, was amenable to the laws of his country. The Justice thereby was reading Jefferson a lesson on his legal duty; but he did not stop. To him the partisan character of the repeal of the Judiciary Act—threatening as it did to make the lower judiciary a football of politics—appeared to endanger even the security of the Supreme Court. He thought the time had come to assert what he believed to be the right of that tribunal to be the final interpreter of the Constitution.

*Marbury  
vs. Madison*

Because the power to issue writs was not included in the original jurisdiction of the Court, Marshall with the unanimous backing of that tribunal ruled that section 13 of the act of 1789, giving the Court such jurisdiction contrary to the provisions of the

*The doctrine  
of judicial  
review*



Constitution, was null and void. From that day to this the doctrine that the Court has the power to declare an act of Congress null and void—the doctrine of judicial review—has been sustained, although not until 1857 (Dred Scott case) was another act of Congress held unconstitutional. As we have seen, this power was not expressly conferred upon the Court by the Constitution, nor did Marshall say that it was. But he did affirm that the language of that document “confirms and strengthens the principle.” He was sure that he knew the opinions of the framers of the Constitution, and even before his appointment to the Court he had a national reputation as an interpreter of its contents.

Marshall's reasoning in defense of the exercise of judicial review was clear and logical. The Constitution, he insisted, was the supreme law of the land, for it sprang from the ultimate source of authority—the people. If Congress, which was established under the Constitution, should overstep its limitations, it was the duty of the Supreme Court to uphold the Constitution against the measure which was in violation of its provisions. Colonial and state precedents for this doctrine have been noted in earlier chapters. It is of more than passing interest that Chancellor George Wythe of Virginia declared (*Commonwealth vs. Caton*, 1782) that “if the whole legislature . . . should attempt to overleap the bounds prescribed to them by the people, I, in administering the public justice of the country, will meet the united powers at my seat in this tribunal; and pointing to the Constitution will say to them, here is the limit of your authority; hither shall you go, but no farther.” Marshall had attended law lectures under Wythe two years earlier. In 1803 another Virginian, Judge St. George Tucker, writing evidently before Marshall handed down his famous decision, said: “Should Congress attempt to pass a law contrary to the Constitution of the United States, or should the state legislature make a similar attempt against it, or against the state constitution; such acts, though clothed with all the form of law, would not be law, nor repeal in any measure what was established by a higher authority, to-wit that of the people?”

The rebuke administered to Madison by Marshall's decision was strongly resented by the Republicans who could not forget the rigor with which the Sedition Act had been enforced, or the

partisan bias which had characterized the conduct of several federal judges. The weapon of impeachment was unsheathed for the attack. First blood was drawn in the case of a district judge, John Pickering, who was found guilty by the Senate of the charges brought against him by the House. But there was little glory in removing a man through impeachment who was incapacitated by reason of profanity and intoxication to the point of insanity.

The Republicans would try bigger game, and the intended victim was Justice Samuel Chase of the Supreme Court. By reason of his intemperate conduct while presiding over trials arising under the Sedition Act, he was the most hated member of the federal judiciary. If this second hurdle could be cleared, Marshall himself might feel the axe of democratic disfavor. The trial was an impressive affair. Burr, with the recent killing of Hamilton to his credit, presided with dignity and fairness while the brilliant if erratic John Randolph of Roanoke played the role of chief manager for the prosecution. Chase's counsel included the able Luther Martin, whom Jefferson called an "unprincipled and impudent Federalist bulldog." Martin and his associates did not bungle their arguments—the House managers did. The Constitution provides for the tenure of judges during "good behavior." Chase's behavior was admittedly bad, but it was not proved to be of such nature as to constitute "a high crime or misdemeanor." Thus, although the Republicans commanded the necessary two-thirds majority for conviction, they found the evidence insufficient to substantiate the most serious indictment. On March 1, 1805, Chase was acquitted of all charges against him. Highly partisan he had been, but the more reasonable Republicans believed that a precedent should not be established for making judges removable upon such grounds.

*Impeachment  
of Chase*

And so for good or ill, with this failure—highly significant in its outcome for the future—the first serious assault upon the judiciary ended. In 1937 was witnessed an interesting parallel in the attack upon the Supreme Court by the President and leader of the party which still claimed Jefferson as its founder.

## Chapter Twenty-One

### BARBARY PIRATES AND LOUISIANA

*The keynote  
of foreign  
policy*

PEACE, commerce, and honest friendship with all nations, entangling alliances with none." Such was the sincere desire and purpose of Jefferson as expressed in his inaugural address: such had been the policy of Washington and Adams. Indeed, the accession of Jefferson to the presidency had but little immediate effect upon American foreign relations.

Because he believed that ministers should not reside too long at a foreign court lest they lose their Americanism, Jefferson recalled our ministers to France and Spain, sending in their stead Robert Livingston and Charles Pinckney.<sup>1</sup> In the interest of economy some of the less important legations were closed. The pronounced Federalist, Rufus King, was not replaced in London for two years.

*The prospects in 1801*

On March 4, 1801, the prospects for continued peace with the world appeared bright. The imbroglio with France had been terminated by the convention of the preceding fall; Spain, in 1798, had reluctantly carried out the terms of Pinckney's treaty, while Americans had become more or less accustomed to British restrictions on commerce, softened as they were by the splendid openings for enterprising Yankee merchant vessels. To Jefferson, one of the most peace-loving of all Presidents, the prospects were doubly pleasing: America could cultivate, unmolested, the pursuits of happiness, and at the same time reduce her army and navy.

But before Jefferson could lay up his navy he found occasion to

<sup>1</sup> Charles Pinckney was a cousin of the brothers Charles Coresworth Pinckney of X Y Z fame, and Thomas, first resident minister to England under Washington. These South Carolina Pinckneys were not related to William Pinkney of Maryland, last minister to England before the War of 1812.

be thankful for its existence because of war with Tripoli (1801–1805). To his way of thinking, it was one thing to struggle for “peace, . . . and honest friendship with all nations,” but quite another to tolerate an infernal nuisance such as that presented by the piratical Barbary states. It is not without significance that when the Barbary question first arose after the American Revolution, Jefferson proposed the formation of a general confederation to crush the pirates, and as Secretary of State in 1791 recommended a naval force strong enough for the purpose.

It will be remembered that a liberal treaty was made with Morocco in 1787. Thereafter, peace and reasonably satisfactory relationships obtained without the payment of tribute. But the rascally heads of Algiers, Tripoli, and Tunis were little disposed to lose the profits resulting from the capture of American merchant vessels (unprotected as they were by a navy) and the enslavement of their crews. The Dey of Algiers was especially obnoxious. By 1794 thirteen American vessels had been seized by his corsairs, and well over a hundred Americans enslaved. The pressure from the captives and their relatives became so great that a humiliating treaty was purchased in September 1795, at the cost of nearly \$800,000, together with an annual tribute plus customary payments in the form of gifts. Similar though less expensive treaties were made with Tripoli, 1796, and Tunis, 1797.

President Washington's nature revolted against the payment of tribute to disreputable barbarians who should have been swept from the face of the earth, but without a navy there was no other course to follow. Hopefully he looked to the day when peace might be dictated from the mouth of the cannon. One good result of Algerian activity in 1793 was the authorization by act of Congress, March 27, 1794, of six new frigates—the first naval vessels to be built since the Revolutionary War. Construction was slow, but when the *Constitution*, *President*, *United States* (forty-four guns each), *Chesapeake*, *Congress*, and *Constellation* (thirty-six guns each) finally took the water, America could boast the finest ships of their class afloat.

Meanwhile the United States continued to pay tribute—about two million dollars of it—in the administrations of Washington and Adams. When Jefferson took office the situation on the

*Need for  
a navy*

*The Barbary  
pirates*

*Federalist  
practice*

Afro-Mediterranean front had assumed explosive proportions. "You pay me tribute," said the Dey of Algiers to Captain Bainbridge, bearing the annual blackmail, "by which you become my slaves, and therefore I have a right to order you as I think proper." So Bainbridge and his ship, the *George Washington*, were forced to carry an Algerian envoy to Constantinople. In such humiliation did "Old Glory" first appear at the Turkish capital.

*War with  
Tripoli*

In May 1801, before the *George Washington* returned to America, Jefferson had dispatched Commodore Dale with a small squadron to the Mediterranean in order to determine what effect a show of force would produce. In the meantime the Pasha of Tripoli declared war upon the United States. This usurper had been complaining for some time that his tribute of \$83,000 annually was not enough. He talked about the need of strong "medicine" to be furnished by the United States if the situation was to be remedied and intimated that it would require a great amount of "grease" to raise the American flag if it should come down. Six days before Jefferson ordered Dale to the Mediterranean the Pasha cut down the flagstaff of the American consulate, thus declaring the above-mentioned war.

The American squadron, augmented from time to time, fought under great difficulties. Poorly supported by Congress, and separated from America by 4000 miles of water, its accomplishments were disappointing. But its exploits showed a great amount of courageous gallantry, made imperishable in naval annals the names of Stephen Decatur and Richard Somers, and provided experience against the day when America should challenge the Mistress of the Seas.

*The war ends*

As an influence making for peace the crowning exploit was an overland expedition of about 400 men (including ten Americans) organized without the knowledge of Congress by William Eaton, the American consul in Tunis. When Eaton, with the aid of three American frigates, captured the Tripolitan town of Derne after a daring march of 500 miles from Alexandria, the Pasha decided it was time to make peace. The resulting treaty in June 1805 was less expensive than any power of Europe had been able to make with Tripoli. It was a peace without tribute, though it called for \$60,000 as ransom for officers and crew of the *Philadel-*

*phia*, as well as presents whenever the United States should send a new consul.

Until 1812 American relations with the Barbary states were comparatively peaceful, although after 1807, when American war vessels were withdrawn from the Mediterranean, Algerian corsairs occasionally captured merchant vessels. With the outbreak of the War of 1812, corsairs renewed their activities, and the Dey expressed his haughty contempt by announcing that it was his policy to increase the number of his "American slaves"—"not for a million dollars" would he release them. But the Dey was destined to have a change of heart, and that as soon as the war with Great Britain was over. Commodore Decatur was sent to the African coast in 1815, and terms were dictated by the United States "at the mouth of cannon." And so ended after many years the payment of tribute and ransom by the United States.

*End of the  
Barbary  
nuisance*

While the war with Tripoli was dragging through its course, the territorial limits of the United States were pushed westward to the Rocky Mountains through a new stroke of fortune which had made Louisiana a pawn in the European game of diplomacy. Once again America profited from Old World troubles.

*Louisiana*

After 1763 Louisiana belonged to Spain. But the great domain proved to be an expensive luxury in her hands, even as it had been to France previously. Nevertheless, France could never become reconciled to its loss; and from the establishment of the French Republic, in 1792, gave continuous attention to the possibility of furthering her influence in the Mississippi Valley with a view to the recovery of the province. Genêt had instructions to that end. His successors in America labored to prevent a satisfactory settlement with Spain of the Mississippi question. In 1795, the year that Spain ceded her portion of Santo Domingo to France, unsuccessful efforts were made to secure Louisiana as well. In 1796 the French sent General Collot on an extensive survey of the Ohio and Mississippi valleys as if in preparation for military operations in that region. In that same year Godoy (Spanish minister) was willing to exchange Louisiana for Gibraltar; but since that fortress was not France's to give, no transfer was consummated. After taking charge of foreign affairs (1797), Talleyrand labored persistently to induce favorable action by appealing

*French  
efforts to  
recover*

to Spanish dislike for the Americans. The only way to keep them within bounds, he wrote in 1798, is to shut them up "within the limits which nature seems to have traced for them," and to do this Spain must cede Louisiana to France.

*Treaty of San Ildefonso* After 1795, because of concessions made in Pinckney's treaty, Spain was willing to sell providing she could drive a satisfactory bargain in the way of European advantage. The meeting of minds was finally cemented by the secret Treaty of San Ildefonso, October 1, 1800, "retroceding" Louisiana to France in return for promised territory in northern Italy. Napoleon's dreams of a colonial empire were being fulfilled. Louisiana's vast resources would supply the food which France needed, thereby relieving her from dependence upon neutrals, while Santo Domingo and Louisiana together would provide the basis for making France the first power in the Western Hemisphere.

*Jefferson's fears* The first fairly well substantiated rumor of the cession reached Jefferson in the same month that he became President. It was a cold shower for the benevolent enthusiasm with which he had anticipated peaceful relations with France. For old, decrepit Spain to possess Louisiana was one thing—in the fullness of time the United States might fall heir to the province—but to have at our back door the master of Europe, threatening to dominate the world, was quite another. As soon as Jefferson was convinced that the rumors were well founded, he instructed Livingston to open negotiations for the purchase of New Orleans and the Floridas. If an outlet to the Gulf could be secured the French threat to American interests in the Southwest would be greatly minimized. But Livingston, with all his persistence, could make no headway; nor could Charles Pinckney, in Spain, who had instructions to cooperate with Livingston to the same end.

*Leclerc to Santo Domingo* Meanwhile, action of a different nature increased Jefferson's uneasiness. In January 1802, General Leclerc, brother-in-law of Napoleon, arrived in Santo Domingo with 10,000 soldiers under orders to put down the insurrection led by Toussaint L'Ouverture, then take possession of Louisiana.<sup>1</sup> Jefferson's feelings may be

<sup>1</sup>In October 1801, preliminary articles of peace were signed with England. Formal hostilities having ended, Napoleon was free for his enterprise in the Western Hemisphere. The Peace of Amiens was concluded March 27, 1802.

appreciated in the light of a letter to Livingston, dated April 18, 1802:

The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within her low water mark. It seals the union of two nations who in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation.

By way of emphasizing his warning, Jefferson showed marked favoritism to Thornton, the British diplomatic agent. Already he had accepted the friendly services of Pierre S. Du Pont de Nemours, a French powder maker in the United States, who was willing to circulate the President's threat of an alliance with England among high officials in Paris.

Jefferson had long believed that the United States was in danger of being drawn into war as long as the mouth of the Mississippi remained in foreign hands—a danger which appeared imminent when the right of deposit at New Orleans was suspended by royal Spanish order in October 1802. As the exciting news swept up the Valley toward Washington, outraged Westerners took stock of their grievance. They believed that the fine hand of Napoleon was back of the decree of the Spanish Intendant<sup>1</sup> and that the new state of things was a sample of what could be expected under French control.

*The right  
of deposit*

In earlier years, before the Mississippi was opened, frontiersmen had threatened to descend the river and seize New Orleans. Having greatly increased in numbers, and having enjoyed the advantages of deposit for four years—a privilege involving over a million dollars' worth of Western produce annually—they were capable of putting their threats into action. Jefferson knew this quite well. His problem, therefore, was to find a solution through diplomacy before frontier action should produce an explosion.

*Jefferson's  
problem*

<sup>1</sup> The evidence seems conclusive that Napoleon had nothing to do with the order of suspension. He was pleased with the action of Spain, however, and displeased when the privilege of deposit was restored in March 1803.

Whether Americans had the right of deposit in 1802 is, to say the least, open to question. Pinckney's treaty (1795) stipulated the permission at New Orleans for three years, i.e., to 1798. At the expiration of three years, runs the treaty, "His Majesty promises either to continue this permission" or assign another "equivalent establishment" on the Mississippi. Westerners considered the promise equivalent to the permission. Moreover, the right of deposit was not actually granted until 1798. No place other than New Orleans was ever designated.



To the credit of the West, its people were disposed to give Jefferson a chance to handle the problem in his own way, an attitude that was colored by distrust for the Federalists who were clamoring for war in order to make political capital from the situation.

*A special  
mission  
to France*

In the face of these dangerous potentialities Jefferson remained outwardly calm; but in order to quiet popular fears, as well as to further his plans, he asked Congress to provide for a special mission to France. The result was an appropriation for his use of \$2,000,000, and the appointment, January 11, 1803, of James Monroe as special envoy to aid Livingston. Monroe sailed on March 8.

The instructions drafted for Livingston and Monroe authorized the payment of any amount up to \$10,000,000 for the Isle of Orleans and the Floridas. If only a portion of such territory could be purchased the value of New Orleans should be estimated at three times that of the Floridas combined. If no territory could be acquired the United States must have a guarantee, at least, of the right of navigation and deposit. On April 18, 1803, additional instructions were forwarded: In the event of failure in negotiating with France, an alliance with England should be sought.

*Toussaint  
L'Ouverture*

While Jefferson was putting into play the weapons at his command, forces with which the United States had only a remote connection shaped themselves for another gift to America. Napoleon's dreams for Santo Domingo had been dissipated by yellow fever. In the old days, before the French Revolution, that island had been the most valuable of French colonial possessions. But in 1791 the slaves revolted, practically exterminating the white population, and by 1795 Toussaint L'Ouverture had become ruler of the Negroes. In order to restore the profitableness of the island, Negro supremacy must be overthrown. Napoleon's plans, however, embraced much more than the island. Inasmuch as Santo Domingo and Louisiana could mutually supplement the resources of the other, he would establish upon this basis a new world empire. Conquering the "Gilded African" was only the first step.

*Yellow  
fever and  
untimely cold*

Fortunately for the United States, the stubborn resistance of the ruthless Toussaint's dusky hordes was mightily abetted by deadly "yellowjack." By the tens of thousands French soldiers, Leclerc

among them, found graves in the island.<sup>1</sup> Thus were Napoleon's plans for the occupation of Louisiana delayed. Working in America's favor was still another unforeseen circumstance of the intangible sort that changes the course of history. In the fall of 1802 was assembled in Holland an expedition under General Victor for the occupation of New Orleans. But extreme cold blocked the vessels in port until the following spring.

Meanwhile Napoleon changed his strategy. The Peace of Amiens, in reality only a truce, was wearing thin. Napoleon would renew war; and to prevent Louisiana from falling into English possession he would sell it to the United States—the money would be useful for fitting out armies. On April 11, 1803, Napoleon directed Marbois, Minister of Finance, to sell the province at a minimum of fifty million francs. On the same day Talleyrand surprised Livingston by asking him what he would give for the *whole* of Louisiana. The sudden proposition, coming as it did after many weeks of persistent but fruitless efforts to buy New Orleans only, was rather startling; but Livingston managed to reply that the United States would probably be willing to pay twenty million francs. "Too low," said Talleyrand, Livingston should reflect and see him on the morrow. On the next day Monroe arrived, and negotiations were hurried to a conclusion. The treaties were dated April 30, 1803.<sup>2</sup> The purchase price was sixty million francs, and in addition the United States was required to assume its claims against France not to exceed twenty million francs. Thus for \$15,000,000 the United States doubled her territory—acquiring one of the most valuable areas on the earth's surface—and this because of a turn in the wheel of Old World fortunes. European adversity was once more America's opportunity.

*The purchase  
of Louisiana*

When news of the purchase reached Washington it was Jefferson's turn to be disturbed. He had been trying to secure a bit of

*Jefferson  
is disturbed*

<sup>1</sup> The betrayed Toussaint was taken to France and placed in a cold dungeon where he died in 1803, a victim of Napoleon's jealousy. There was such a close parallel between the careers of the two that people were calling the Negro a "Black Napoleon." The great Bonaparte did not relish the comparison.

<sup>2</sup> There were three treaties. The first was the treaty of cession, the second was the convention for the payment of 60,000,000 francs, and the third was the convention whereby the United States relieved France from the payment of claims due American citizens.

territory east of the Mississippi, and here was the whole province of Louisiana! A great bargain indeed, but was the purchase constitutional? Did Napoleon have the right to sell? Where were the boundaries?

*The treaty  
ratified*

Napoleon certainly broke his solemn promise to Spain not to alienate the province to a third power, and he violated the French Constitution besides; but under the circumstances that was not the business of the United States. The question of boundaries could wait temporarily. Of chief concern to Jefferson was the matter of reconciling the purchase with the Constitution. When the Federalists were in power he had denied eloquently the right of the Federal Government to take action not expressly provided for by the Constitution; consequently he could not find authorization for the acquisition of territory by treaty. To ease his conscience, therefore, he prepared an amendment, but with a warning from Livingston that Napoleon might change his mind he dropped the proposition. Jefferson's followers easily implied the right to annex territory through the treaty-making power (Article II, Section 2). The treaties were confirmed by the Senate, October 20, 1803, and five days later the House voted the necessary appropriations.

*New England  
opposition*

The purchase was not consummated without stubborn opposition, including threats of secession, from New England Federalists who had reversed their position, even as Jefferson. It made a great difference whose bull was being gored. New England objections were centered on the clause (Article III) providing that "The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible . . . to the enjoyment of all the rights, advantages and immunities of citizens of the United States." Manifestly, new states would be created from the territory, and the national importance of New England would diminish in consequence. The constitutional argument—always a respectable one—was merely a cloak to cover New England's fears and jealousy.<sup>1</sup>

*The transfer  
of Louisiana*

At New Orleans on November 30, 1803, Spain formally transferred Louisiana to France. Twenty days later the French flag was replaced by the American, James Wilkinson and W. C. C.

<sup>1</sup> For the resulting secessionist movement, see Chapter XXII.

Claiborne acting as agents for the United States. Thereafter, pending the organization of civil government, Claiborne exercised full military powers. It was the first experiment in imperialism for the United States. Fortunately, most Americans have agreed, it was of short duration.

Louisiana at the time of the purchase contained a white population of probably 50,000, most of which was French and Spanish, residing in the New Orleans region. French was the spoken language, Catholicism the religion, and civil rather than common law obtained. In 1804 the province was divided by the thirty-third parallel. South of the line was the Territory of Orleans; north of it the District of Louisiana, attached in matters of government to Indiana Territory. The government established for the Territory of Orleans was that of the first stage, which meant that no vestige of representation was granted. For this reason, and because of his authorship of the famous phrase in the Declaration of Independence respecting governments and "the consent of the governed," Jefferson has been much criticized for denying to the proud Creoles any voice in their government. Amends were made in 1805, however, when an elective assembly was granted; but statehood was deferred until 1812 in spite of demands from the Louisianians that their rights under the treaty be honored.<sup>1</sup>

*Government  
for the new  
territory*

The uncertainty respecting boundaries at the time of purchase was to remain a source of trouble for many years. The treaty stipulated the cession of Louisiana "with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other states." In Spanish possession, Louisiana included nothing east of the Mississippi except the Isle of Orleans; but when France possessed it, prior to 1763, the Perdido was the eastern boundary. Soon after the signing, Livingston sought definite information from Talleyrand respecting the boundaries. That wily minister, knowing perfectly well where the eastern boundary was understood to be, replied: "You have made a noble bargain for yourselves, and I suppose you will make the most of it." Napoleon told Talleyrand that "If an ob-

*The bound-  
ary problem*

<sup>1</sup> In 1805 the District of Louisiana became a full-fledged territory with its capital located at St. Louis.

scurity did not already exist it would be perhaps good policy to put one there."

*Expedition  
of Lewis  
and Clark*

Obviously, the United States was to receive no help in straightening out the difficulty: but, as events were to prove, she was quite able to "make the most of it." In the meantime, through exploration, Jefferson would find out something for himself about the limits of Louisiana. Indeed, an expedition was being planned before the purchase was made. The character and secrecy attending the preliminary plans have suggested that Jefferson may have had in mind some sort of military operations against a country with which the United States was at peace. Available evidence leads to the conclusion, however, that his interests were purely scientific and economic in nature. Be that as it may, any possible irregularity was removed by the acquisition of the territory before the expedition of Meriwether Lewis and William Clark took the field.

*Jefferson's  
interest in  
Louisiana*

For many years Jefferson had been greatly interested in learning what the vast region beyond the Mississippi might hold.<sup>1</sup> As President he was able to command the resources which made it in a measure possible. In May 1804 Lewis and Clark left St. Louis and led their men up the Missouri. After six months they reached the Mandan village near the present Bismarck, North Dakota. Here they wintered, pressing onward the next summer to the source of the Missouri, then across the divide and to the mouth of the Columbia where they spent the second winter in the field. In September 1806 they were back in St. Louis.<sup>2</sup>

The results of the expedition were disappointing, partly be-

<sup>1</sup> In 1783 he had sought to induce George Rogers Clark—intrepid hero of the Northwest during the Revolution—to explore westward to the Pacific. A few years later, while minister in Paris, he had encouraged John Ledyard to attempt an expedition eastward through Siberia, and eventually across the Far Northwest to settled America. In 1792 he was trying to enlist the enthusiasm of Andrew Michaud. At that time his young friend, Meriwether Lewis, asked that he be permitted to head the expedition. When the expedition finally took the field in 1804 under Lewis and Clark, the leader was only thirty.

<sup>2</sup> Lewis' services were of such a high order that on his return to Washington Jefferson appointed him governor of Louisiana Territory. After two years of honest, just, and constructive administration in St. Louis, Governor Lewis decided that a trip to Washington should be made. He planned to go by way of New Orleans and the ocean, but changing his mind left the river at Chickasaw Bluffs (Memphis)

cause there was no scientist in the group,<sup>1</sup> and partly because a great portion of the territory traversed was reported by the leaders to be unsuitable for white habitation. Nevertheless, much more accurate knowledge of the region was made possible than that which the chance trapper or Jesuit priest previously had supplied, and a second claim to the Oregon country was established—a fact which Americans later learned to appreciate.<sup>2</sup> *Results of expedition*

While Lewis and Clark were in the field, Governor Wilkinson of the new Louisiana Territory sent Lieutenant Zebulon Pike to ascertain the source of the Mississippi. If the headwaters of that river could be determined, not only might the northern limits of Louisiana be better understood but a basis for establishing the boundary westward from the Lake of the Woods would be possible. The negotiators at Paris in 1782–1783 assumed that the Mississippi rose north of the latitude of the Lake of the Woods; consequently the treaty of peace called for a boundary extending “on a due west course to the river Mississippi” from the “most north-western point” of the lake. It soon appeared evident that such a line could never strike the Mississippi. After years of uncertainty Jay’s treaty (1794) made provision for a joint survey to determine the boundary, but no action was taken. In 1803 Rufus King signed a convention in London calling for a straight line from the Lake of the Woods to the source of the Mississippi. It failed of ratification. The boundary was to remain unsettled until 1818. *First expedition of Pike*

With a score of men Pike pushed up the Mississippi from St. Louis. In the lead region (Iowa-Wisconsin-Illinois border) he found Julien Dubuque busily mining lead for the St. Louis

and struck eastward to the Natchez trace, accompanied by two servants, a half-breed Spaniard, and a Negro. At a rude inn in Tennessee, on the night of October 11, 1809, he died under mysterious circumstances. People of the locality believed he was murdered. His watch was later found in New Orleans.

<sup>1</sup>It was highly fortunate for the leaders in their efforts to secure accurate information from the Indians that Sacajawea, the “Bird Woman,” accompanied them westward from Dakota. Having been transferred from tribe to tribe as prisoner of war, she spoke the language of several of them. She could converse with her husband, a French-Canadian guide, and he in turn to Lewis’ mulatto body servant who understood French. The threefold translation was something less than satisfactory.

<sup>2</sup>The first American claim was based upon Captain Gray’s discovery of the Columbia River in May, 1792.

market. At the mouth of the Minnesota River he treated with the Sioux for territory suitable for a military post. In this region he found numerous British fur-traders. Obviously they were intruding upon American territory, but he could not drive them out. In fact, he was happy to accept their hospitality in order to avoid disaster to his expedition. In the dead of winter, 1805-1806, Pike located what appeared to be the source of the river (later found to be wrong), and in April 1806 was back in St. Louis.

By that time the Great Valley was talking of war and flirting with the schemes of Aaron Burr, while Wilkinson was maintaining a nice balance between treason to his country and disloyalty to his associates in intrigue, with always an open hand for Spanish largess. To Jefferson, Louisiana still presented a difficult problem with many possibilities.

## Chapter Twenty-Two

### DOMESTIC COMPLICATIONS

THE PURCHASE of Louisiana produced a train of complications which lasted for many years. One of the earliest—perhaps destined to come anyway—was a secessionist movement in New England. Federalist leaders who were unable to forget their defeat in 1800 were still further embittered by their losses in the Congressional elections of 1802–1803. In desperation they turned to the remedy proposed many times by extremists before 1860; namely, secession.

*Fears of  
New England*

In 1798, when Republicans were smarting under the Sedition Act, a few Virginians had suggested the same course of action; but the political star of the Republicans was rising then. For the Federalists there was no such hopeful prospect. On the contrary, the growing West was the great stronghold of Jeffersonian Democracy, and besides was waxing in strength. Ohio, admitted to the Union in February 1803, was Republican. With Louisiana to augment the growing strength of Jefferson's followers, the balance in the Union was broken. Timothy Pickering, Roger Griswold, Oliver Wolcott, and others would "save New England" by separation.<sup>1</sup> They hoped for leadership in George Cabot. To him Pickering wrote of the irreconcilable differences in the views and interest between people of the East and the Southwest: "The latter are beginning to rule with a rod of iron," he said, "I do not believe in the practicability of a long-continued union. A northern confederacy would unite congenial characters." But even though Cabot considered Jefferson an "anarchist," and thought secession entirely legal and proper, he did not favor such action.

*Secession  
considered*

<sup>1</sup>"The vices of this government are incurable," wrote Griswold to Wolcott, "... there can be no safety to the Northern States without a separation from the Confederacy."



*Hamilton  
and Burr  
sounded*

Thinking that it would be well to induce New York to join them, the secessionists then turned to Hamilton. He would have none of it. Next they approached Burr. No conclusive evidence that he committed himself to the scheme for disunion has been found; but his reputation for "treading the shady paths of politics" lends color to the belief that he was willing to further the scheme of leading the Northern states in their revolt providing he could win the governorship of New York in 1804 with Federalist support. The scope of activities on the part of Pickering, Griswold, and several others even extended to the British minister, Anthony Merry, who promised to give aid.

Burr was ripe for revolt. The Republicans were victorious in 1800 because Burr carried New York; yet Jefferson ignored his wishes in distributing the patronage, favoring his enemy, Clinton, instead. But Burr had himself to blame. Because of his deportment in connection with the House election, in 1801, Jefferson distrusted him, and Republicans generally turned against him. In 1804, instead of renominating Burr with Jefferson, they turned to Clinton. Burr, as previously mentioned, sought the governorship of New York.

*Hamilton  
defeats Burr*

Once more, and for the last time, Hamilton threw the weight of his influence into the political arena. Burr was defeated, and with his failure died the secession movement. How slight were its chances of success, even had Burr carried New York, is shown by Jefferson's victory in every state of the Union except two, and only one (Connecticut) was in the disaffected area. Pickering's crew would have to wait for a more auspicious occasion.

Burr had reached the end of his political rope. The Republicans had disowned him and the Federalists had failed him, and Hamilton was the cause. For fifteen years Hamilton had attacked Burr's public and private character. Burr would have an accounting! Hamilton was called upon to retract a statement. This he would not do, so Burr challenged him to a duel. Although Hamilton had proved his bravery under Revolutionary fire he did not have the courage to refuse, or perhaps it was because his pessimism concerning democracy pictured an impending national crisis demanding a strong man to take the helm. No man whose courage was doubted could qualify for leadership. Hamilton loathed duel-

ing, and considered the duelist who killed his man to be a murderer—a feeling that was intensified by the tragic memory of a duel in which his eldest son had been killed not long before.

On the morning of July 11, 1804, Hamilton faced Burr at ten paces under the Palisades on the Jersey side of the Hudson. The next afternoon—the agony of his suffering spent—Hamilton left his heartbroken family to its sorrow, and a nation to reflect upon the evils of a custom which could bring a truly great man to such an untimely end.

*The duel*

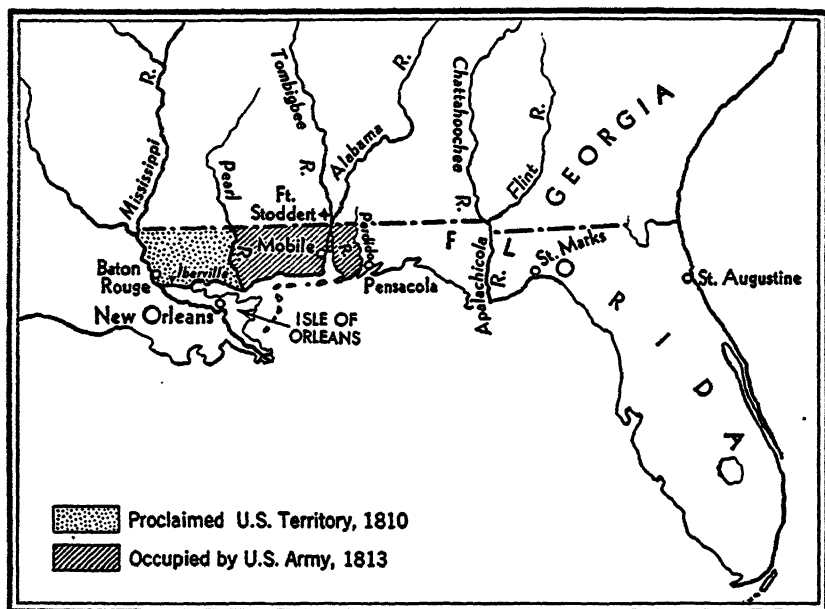
While New England Federalists were busy with their plans for dismembering the Union, Jefferson was considering ways and means for enlarging it. Florida was his objective. The ambiguous and contradictory nature of the treaty (1803) describing the extent of Louisiana permitted interpretations to suit one's interests. The boundaries of Louisiana had never been marked. In the West, as well as the Northwest, the watershed was the only boundary that could reasonably be upheld, though Napoleon was prepared to claim the Rio Grande. In French possession, before 1763, the Perdido was the eastern boundary. Thereafter, until 1783, it was the Mississippi and the Iberville. East of these were the Floridas in English possession (1763–1783). But when Spain recovered the Floridas in 1783 she reincorporated West Florida (that is, eastward from the Mississippi to the Perdido) into the jurisdiction of Louisiana. Jefferson did not know this, but (the wish being father to the thought) he reasoned, as did Livingston, that, since the treaty called for Louisiana as it was “when France possessed it,” the Perdido was the boundary. On the other hand, Talleyrand and Napoleon well knew that the Iberville was the proper boundary, and drafted instructions accordingly for their agent who took over the province from Spain in November 1803.

*Boundaries  
of Louisiana*

This brief summary may suggest the complicated nature of the problem. But in Jefferson there was a singleness of purpose which led him to claim West Florida immediately in order to possess the fine bay of Mobile, commanding as it did the outlet for the rivers of Mississippi Territory. In February 1804, at Jefferson's suggestion, Congress provided for the creation of a customs district for the Mobile area, and for its annexation to Mississippi Territory. Jefferson then wisely designated Fort Stoddert just above the

*Jefferson  
and Florida*

thirty-first parallel as the port of entry, thus avoiding occupation of the disputed territory as well as possible conflict with Spain. If Spain should be drawn into war, thought Jefferson, the United States might take advantage of the opportunity to seize the territory. In the meantime he would try to secure it by working on the



FLORIDA BOUNDARY DISPUTE, 1803-1813

cupidity of Napoleon. But the crafty Emperor could not be induced to bring effective influence to bear upon Spain, although at one time the intimation was made that Florida could be had for money. Jefferson's eagerness to settle the matter led him at that time into a further inconsistency; for even though he claimed that West Florida was included in the purchase of 1803, he nevertheless secretly asked Congress for an appropriation of \$2,000,000 to further its acquisition. After much delay the money was voted in February 1806 but it served no purpose in securing Florida. By that time Napoleon's victories had removed his need for money.

In 1808 Napoleon placed his brother Joseph on the Spanish throne—Florida would be kept in the family. In the same year diplomatic relations with Spain were broken off by the United

*Florida  
occupied*

States, and not reestablished until after the War of 1812. Diplomacy having failed, the United States resorted to frontier methods. In 1810 the turbulent inhabitants between the Mississippi and Pearl rivers staged a pocket-sized revolution, declared their independence, and asked for annexation to the United States. Acting upon the assumption that the territory already belonged to the United States, President Madison took military possession. In 1813 the remainder eastward to the Perdido was occupied. The United States had made "the most of it."

Jefferson's secret and rather evasive request for the appropriation of the \$2,000,000 produced an open breach with John Randolph, Chairman of the Ways and Means Committee and administration leader in the House, and led to a schism in the Republican Party. Although Randolph had no sympathy with Jefferson's democratic ideas, he had supported the presidential program and was well pleased with the record of the first term. But he was growing restive under administrative leadership and disliked Jefferson's apparent abandonment of original principles. At the same time he was antagonizing members of his party, especially those from the North, by his criticisms and deportment. As chairman of the most important House committee at the age of twenty-eight he assumed superior airs, swaggering about the chamber booted and spurred and with whip in hand. Thoroughly conscientious, devastating in the use of sarcasm, satire, and invective—there were few who could stand before his withering tongue.

*Randolph  
breaks with  
Jefferson*

After he turned against Jefferson, as one who had deserted the Republican ideals of 1800, Randolph fought administrative measures with all the intensity which a "champion of lost causes" could bring to the attack. But he had to pay a price for his indulgence. Fearing presidential disfavor, many of his Congressional followers deserted him, leaving a small group of Southerners, dubbed the "Quids,"<sup>1</sup> including Nathaniel Macon, John Taylor,

*The "Quids"*

<sup>1</sup>These strict-constructionist exponents of the old Republican principles were called Quids because Randolph declared that he belonged to the *tertium quid*—a third something which had no name. The Quids favored Monroe as a successor to Jefferson in 1809, but strong administrative support for Madison caused Monroe to withdraw from the contest. In New York, at the same time, the Livingston faction of the Republican party was also called Quids.

Joseph Nicholson, and James Monroe. In time most of the "Quids" were lost to Randolph, leaving him as a lone but formidable free lance and a thorn in the side of many politicians.

Randolph's most famous battle was waged over the Yazoo Claims. This famous affair was highly complicated and far-reaching in its ramifications. It involved the greatest real estate deal in history; made some reputations but damaged many more, touched Europe, and kept Congress in a wrangle for a dozen years.

*The Yazoo  
Companies*

After the Revolution Georgia claimed all the territory west to the Mississippi, and as early as 1789 attempted to replenish her lean treasury by selling twenty-five million acres of it to four land companies. Confusion over payment resulted—eventually producing the Eleventh Amendment—consequently the companies dropped the matter until 1795. In that year Georgia sold to four new companies, at about one and one-half cents per acre, nearly all the territory between the Tennessee line and Florida, including the land sold in 1789. Great confusion and greater speculation followed. Prominent men all over the United States made investments in the various companies, and the buying and selling caused great excitement in many places, including Boston where tidy sums were made in the business. Unfortunately gross corruption attended the action of the Georgia legislature in making the sales to the "Yazoo Companies." In fact, every man, except one, who voted affirmatively was a holder in one or more of the companies. When the irregularity became known the guilty legislators narrowly escaped lynching at the hands of an outraged citizenry. In 1796, under highly dramatic circumstances, a new legislature annulled the act of sale, thus greatly increasing the general confusion. President Washington then stepped in because of federal land claims and Indian rights, but not until April 7, 1798, in Adams' administration, did Congress take action by establishing Mississippi Territory and authorizing the appointment by the President of three commissioners to meet such as Georgia might choose for adjusting the conflicting territorial claims.<sup>1</sup>

<sup>1</sup> The new territory was made from the "Yazoo strip" (between 32° 28' and 31°) which Spain had finally relinquished in that year. On May 10, 1800, Congress extended the terms of the Northwest Ordinance to the territory.

In due time an agreement was reached whereby Georgia should surrender claim to all lands outside her present boundaries for \$1,250,000, providing the United States would extinguish Indians' titles within the state. In 1802 the terms were accepted by Georgia. Meanwhile (May 10, 1800) Congress directed the commissioners who had been (or might be) appointed to investigate and report on claims of individuals who had invested in Yazoo Company stock. Accordingly, Jefferson appointed Madison, Gallatin, and Lincoln to serve with three Georgians. Their report, laid before the House in February 1803, recommended compensation to the investors in Yazoo stock from the proceeds of five million acres of Yazoo lands.

*Agreement  
with Georgia*

Randolph, who had been in Georgia when excitement over the fraud was at white heat, had caught the fire of righteous indignation and so was able to defeat the proposal. In 1805, shortly before the Chase impeachment, the matter was before Congress again with Gideon Granger (Postmaster-General) as lobbyist for the claimants, most of whom lived in the North. It was bad enough, Randolph thought, for members of Jefferson's cabinet to recommend compensation to men who had invested in a fraudulent venture for speculative purposes, but infinitely worse for an administrative officer to appear in Congress as a lobbyist in their behalf. Randolph outdid himself and again defeated the proposition, as indeed he was able to do until 1814. In that year, being temporarily out of Congress because of his opposition to the war with Great Britain, Congress voted \$8,000,000 as compensation. And so ended a famous controversy.

*Randolph  
defeats  
compromise*

In the year that Randolph broke with Jefferson over Florida (1805) Burr was busily weaving the web of his "conspiracy." His flight from the dueling grounds on the Hudson was encouraged by indictments for murder in both New York and New Jersey—the wrong man had been killed. But as Vice-President Burr was safe in Washington, where he returned for the congressional session of 1804–1805. Moreover, because the Republicans were after the judicial scalp of Chase, Burr's favor was cultivated; for as presiding officer in the Senate he might upset the Republican program. But on March 4, 1805, his political career in the East was finished. He would turn to the West where dueling had many champions

*Final  
settlement*

*Burr seeks  
new fields*

and where Hamilton and his national policies were still hated. In fact, beyond the mountains Burr found himself something of a hero for having killed the "leviathan of Federalism."

James  
Wilkinson

Before leaving the vice-presidency Burr had been making soundings in the troubled waters of the Southwest. In the winter of 1804-1805 he conferred freely with his friend Wilkinson who was in the East. Wilkinson was then (spring of 1805) appointed governor of Louisiana Territory, a concession designed to win Burr's favor in the Chase impeachment.

Second  
expedition  
of Pike

In Wilkinson's capacity as governor, as well as ranking officer in the United States Army, the range of operations for that consummate scoundrel was considerably widened. One of his projects—entirely innocent and proper in outward appearance—was the second exploration of Lieutenant Pike. In July 1806, fresh from his northern expedition, Wilkinson sent him from St. Louis into the Southwest. There is little doubt that Wilkinson's purpose was to further his own designs, but no proof has been found that Pike knew it. The ostensible purpose of the expedition was to find the limits of Louisiana as determined by the Arkansas and Red rivers. After enduring intense suffering from exposure in the region of the peak later named for him, Pike was taken by Spanish officials far into Mexico and then escorted to the American border. One detachment of Pike's men made its way down the Arkansas and to St. Louis; another was lost. On returning to the United States Pike found his name being associated with the schemes of Burr. Protesting his innocence, he was given a clean slate by the Secretary of War, Henry Dearborn.<sup>1</sup> He died a brigadier-general in the War of 1812.

Burr's  
"conspiracy"

There is no certainty that the real purpose of Burr and Wilkinson has ever been disclosed. Burr talked about different projects to different persons at different times. Manifestly he was lying part of the time: When was he telling the truth? Wilkinson's ruling passions were money and intrigue, and he dabbled in both extensively. His word could hardly be accepted under oath. They

<sup>1</sup> Pike's papers were found in Mexico a century later by H. E. Bolton. For the most part they substantiate Pike's account as given when he returned from the expedition, but fail to clear up the mystery of Wilkinson's purposes at the time.

Considering Jefferson's interest in Louisiana, it is a matter of moment that he should write several years after the event that he knew nothing about the expedition when it was sent.

made a pretty pair for high adventure. Careful research has led a few historians to believe that Burr's purpose was to break up the Union; others have concluded that he and Wilkinson were planning a great filibustering expedition to seize Spanish territory. Whatever Burr's plan, his support in the West suggests the latent potentialities for action as late as 1806 against the old enemy, Spain. Before going into the West in March 1805, Burr conferred with Merry—British minister with a grudge against Jefferson—proposing a scheme for breaking up the Union. Let the British supply half a million dollars, together with a fleet of warships, and the states west of the mountains could be detached. Merry reported favorably to his government. But Great Britain was not interested in the plan. On the contrary. Merry's request for recall on account of ill health (about which he knew nothing) was granted! If Burr was really planning to break up the Union by waging war against it, he was plotting treason. It is more probable that this was merely a subterfuge for obtaining funds.<sup>1</sup>

*Merry is  
sounded*

Descending the Ohio, Burr was entertained in the home of Harman Blennerhassett, an expatriated Irish gentleman who lived in feudal state on an island near Parkersburg. Resuming his leisurely journey, he stopped at all the important points along the valley, conferred with several prominent men including Andrew Jackson at Nashville, then floated down the Cumberland to join Wilkinson at the mouth of the Ohio. Together they proceeded to New Orleans. Before the end of the summer Burr returned overland and so to the East.

*Burr's first  
trip into  
the West*

Everywhere in the West Burr fascinated people with his charm and apparent frankness. Tempering his discourse to the sentiments of his listeners, he talked of different possibilities in high adventure but most commonly of Spanish conquest. The idea found ready acceptance. Jackson was willing to assist in an attack upon Mexico;<sup>2</sup> the Catholic Bishop of New Orleans approved, and the Superior of the Ursuline Nuns gave her blessing. During the

<sup>1</sup> Burr later approached Yrujo with an even wilder "cock and bull" story in order to obtain money. He was but little if any more successful.

<sup>2</sup> Though Jackson was a perfect host to Burr at the Hermitage he was considerably upset when he found that Burr was charged with treason, and that his own good reputation was being questioned. To Secretary Dearborn he wrote: "But, sir, when proof shows him to be a traitor I would cut his throat with as much pleasure as I would cut yours on equal testimony."



*Second trip  
to West*

winter and spring of 1805-1806, while Burr was busy with his plans and trying to secure funds. rumors of treasonable projects connected with his name were abroad; but Jefferson appeared unconcerned and gave little heed. Consequently Burr was not molested when he returned to the West in the following summer. Stopping again at Blennerhassett's island, he so thoroughly dazzled the owner as to secure a considerable contribution in cash for the enterprise as well as permission to make the island headquarters for fitting out the expedition.<sup>1</sup>

*Wilkinson  
betrays  
Burr*

While Burr was recruiting men, boats, and supplies, Wilkinson was in the border region of the Sabine where he had been ordered with troops to meet a possible Spanish advance. Here the crafty General, taking stock of the situation in the light of personal advantage, decided to betray Burr to the President. At the same time he demanded over \$100,000 from the Spanish for his services.

When Jefferson received Wilkinson's lurid account of the "wicked and wide-spread conspiracy" that was on foot to disrupt the Union, he issued a proclamation (November 29, 1806) for Burr's arrest. Nevertheless the expedition, consisting of about sixty men and a dozen boats, proceeded downstream as far as Natchez by January 1807.<sup>2</sup> Here Burr learned that Wilkinson had betrayed him. The game was finished. Burr deserted his followers and fled for the Spanish border, but was arrested at Fort Stoddert and sent to Richmond, Virginia, for trial.

*Burr tried  
for treason*

The famous trial, lasting from early spring until October 1807, attracted wide interest. Chief Justice Marshall presided, and Randolph was foreman of the grand jury which established the charge of treason against Burr. Both were enemies of Jefferson who was eager to prove Burr's guilt, and thus the partisan aspects of the trial were emphasized. Wilkinson was star witness for the government, but was so obviously enmeshed in the disreputable affair that he narrowly escaped indictment for treason himself.

The Constitution not only defines treason but provides safeguards for the accused. Marshall ruled that a man must be present

<sup>1</sup> Burr presented an alternative plan of taking up the Bastrop grant on the Washita River for a great real estate project.

<sup>2</sup> Burr was taken before a grand jury in Natchez to answer the charge of treason. The jury refused to indict him. Twice before, in Kentucky, he had had similar experiences, Henry Clay acting as his counsel.

when the "overt act" of treason was committed. It was therefore impossible to prove Burr guilty as charged. He was acquitted and left America, while the real villain, Wilkinson, retained his military command. However in 1825 that "tarnished warrior," discredited by his countrymen, went to an unmarked grave in Mexico City. Burr, cheerful and disreputable to the end, died in New York in 1836.

The fiasco in which Burr's "conspiracy" ended indicates an absence of any real danger to the Union in 1806. But even though the problem of the Mississippi was solved with the purchase of Louisiana in 1803 (as we now look upon it), the fact was not so evident when Burr with his hare-brained scheme—whatever it may have been—was testing Western potentialities.

## Chapter Twenty-Three

### THE TRIALS OF A NEUTRAL

*Jefferson's  
popularity  
in 1805*

JEFFERSON'S first administration was highly successful. An honest and frugal government matched general prosperity, and Louisiana was acquired. Well-nigh universal confidence was reflected in the overwhelming majority by which he was reelected in 1804. But hardly was he inaugurated for the second time before domestic complications (reviewed in the previous chapter), together with European forces against which he was helpless, had attained such magnitude as to presage failure for his second term—failure unless, indeed, the preservation of peace for the United States may be looked upon as a meritorious achievement.

*The  
changing  
scene*

Peace in Europe was largely responsible for Jefferson's success: war, finally, for his failure. The year 1805 was a significant turning point for the fortunes of both Europe and America. In that year Great Britain established unchallenged supremacy on the ocean, offsetting Napoleon's dominance on land, and the great belligerents settled down to a war of strangulation: Napoleon endeavoring to destroy England by ruining her markets and commerce, while Great Britain labored to defeat Napoleon by regulating all commerce to her advantage.

*Plans of  
Napoleon*

The European background calls for a brief summary. When war was resumed in May 1803, Napoleon assembled a great army at Boulogne for the invasion of England. If the Channel were cleared for a few hours the French transports could cross. To make this possible, Napoleon in 1805 ordered Admiral Villeneuve to the West Indies in order to lure Lord Nelson away. But the naval genius of Nelson and the British ruined the plans, and off Trafalgar, October 21, 1805, the combined French and Spanish fleets were annihilated. From that time French naval power was

destroyed, and to the end of the war Napoleon could not challenge Britain on the ocean. Instead, he turned his army eastward and before Christmas 1805 crushed the Austrians at Austerlitz.<sup>1</sup> In October 1806 the Prussians were overwhelmed at Jena, and in July 1807, Russia having been defeated, Russia and Prussia made peace with Napoleon. Continental Europe was at his feet. Only Britain stood between him and Old-World domination.

Before considering the "Continental System" which Napoleon established with his great victories, it would be well to review the principal grievances previously sustained by the United States in consequence of the European war. With the renewal of the war (1803) impressment became more common, thus aggravating the most maddening issue that has ever existed between the United States and Great Britain.<sup>2</sup> *American grievances*

During the course of many generations England had come to intrust her national safety with the navy. Every Britisher must serve, therefore, if the fleet needed him. Moreover, she clung to the doctrine of indefeasible allegiance: "Once an Englishman always an Englishman."<sup>3</sup> In her struggle with Napoleon the navy was indeed Britain's only hope, and that navy was not to be made impotent through lack of sailors even if they must be impressed from the commercial vessels of neutral countries. The life of common seamen on British war vessels was extremely hard, and the treatment inhuman;<sup>4</sup> consequently, when opportunity offered, sailors deserted like rats, taking service by the thousands on American ships. For several years preceding 1808 the growth of the American merchant marine called for about 4000 new sailors annually. Over half the number was accounted for by British desertions from public and private vessels. Through impressment Britain recovered about half as many as she lost. *Impressment of sailors*

<sup>1</sup> The news helped kill Pitt. "Roll up that map of Europe," he was reported as saying, pointing to a map on the wall, "it will not be wanted these ten years." He died a few days later. Nelson had died at the moment of his victory—England was in need of leadership despite her mastery of the seas.

<sup>2</sup> French war vessels made impressments, also, but the numbers were small.

<sup>3</sup> Not until 1870 did Great Britain grant the right of expatriation (right to change citizenship) by treaty with the United States. She has never formally surrendered claim to the right of impressment.

<sup>4</sup> The food was often filthy, flogging common, and sailors were lucky if they got their pay which was about four pence per day.

By the end of the Napoleonic Wars probably 10,000 men were impressed from American merchant vessels. During the same period, according to the British admiralty, twice that number of British seamen took service on American ships.<sup>1</sup>

*Complica-  
tions*

*The  
British  
position*

Humiliating as it was for Americans to suffer the forcible detention of vessels and the removal of sailors, it would have been less exasperating had none but British deserters been taken. But similarity in speech and appearance made mistakes easy, and British officers were not very particular. Probably one-tenth of those impressed were actually British subjects.<sup>2</sup> The British government never claimed the right to take native Americans, but she would not respect those who were, or claimed to be, naturalized. The United States finally provided its seamen, both native and naturalized, with official statements as proof of citizenship. But sailors often sold these "protections" to British subjects, thus increasing the confusion. British officers, therefore, refused to respect them.<sup>3</sup> The native Americans who were taken by mistake were restored eventually—if they did not die from mistreatment in the meantime—but delays, often running into years, were common. The number of human tragedies represented in the misfortunes of seamen and their families can only be imagined.<sup>4</sup>

*Chesapeake-  
Leopard  
affair*

The nadir of national humiliation was touched in June 1807 when impressment was extended for the first time to an American war vessel. A British squadron, stationed at the entrance to Chesapeake Bay in order to attack some French vessels which had

<sup>1</sup> Impressments from American vessels began soon after the Revolution. In 1787 John Adams was complaining about the prevalence of the practice which was to become much more common after the outbreak of war between Great Britain and France in 1793.

<sup>2</sup> From 1793 until 1801 (end of first period of Anglo-French war) the number of applications for release which passed through the hands of American ministers in England totaled over 2000. Of these only 102 were held to be British subjects, though 805 were being held for further proof, while 1142 had been discharged as not being British subjects. The most distressing period of impressment was from 1803 to 1812.

<sup>3</sup> Americans could easily secure the "protections" by paying a dollar to a notary, then sell them to foreigners. The standard price was \$10.

<sup>4</sup> An extreme example of punishment meted out to an impressed American may be found in the hanging of Isaac Van Dyckman from the yardarm of Nelson's ship *Victory* (two months before Trafalgar) for drinking the toast "that the Liberty Tree might be planted down the main hatch-way and its branches spread through the British Navy." For eleven months Van Dyckman's "release" had been on board the *Victory*.

sought safety there, had suffered from frequent desertions.<sup>1</sup> Hearing that some of the deserters had enlisted on the American frigate *Chesapeake*, Admiral Berkeley at Halifax gave orders for the search of the vessel when it should be found on the high seas. Care was taken by Commodore Barron of the *Chesapeake* that no British deserters should be enlisted—strict orders having been issued by the American government to that effect—but when the *Chesapeake* sailed (June 22) she carried four deserters, three of whom were native Americans who had escaped impressment. The fourth was Jenkin Ratford, an Englishman who had enlisted under an assumed name.<sup>2</sup>

As the *Chesapeake* passed Lynnhaven Bay the *Leopard* made sail, and both stood out to sea. When about ten miles beyond the capes, the *Leopard* signaled that it had "despatches." At that time it was a common courtesy for vessels of one country to carry mail for the other, so Barron was not suspicious of the action of the British vessel. But when British officers boarded the *Chesapeake* the "despatches" proved to be an order for the arrest of deserters. Barron refused to permit the mustering of his crew, declaring that the only deserters on board were Americans, and these he would not surrender.

The boarding crew then returned to the *Leopard* which at close range quickly poured three broadsides into its helpless victim. The decks of the *Chesapeake* were cluttered with equipment which had not been stored and which made unmanageable the few guns which had been mounted. In desperation one gun was fired before the flag was lowered to stop the slaughter. The British then took the four men they sought and left the badly crippled *Chesapeake* to limp back to Norfolk, and to a people stung to an intensity of feeling such as it had not known since the days of the XYZ affair.<sup>3</sup>

<sup>1</sup> Under provision of Jay's treaty, British warships had the freedom of American ports—a privilege which they often abused by taking advantage of the greater opportunity thus afforded for impressing American seamen.

<sup>2</sup> Him the British were especially eager to seize because he was a ringleader among deserters. Moreover, having escaped to the safety of Norfolk, he had hurled oaths at some British naval officers.

<sup>3</sup> The three native Americans were impressed again. In 1812 the two still living were restored to the *Chesapeake*. Ratford was promptly hanged. For failure to have his men at quarters when his ship was boarded Barron was court-martialed and suspended without pay for five years.

War  
averted

If Congress had been in session a declaration of war must have followed; but Jefferson was determined to keep the peace, and so in calling a special session set the date for the meeting in late October in order that passions might have time to cool. However, on July 2, he did order all British warships to leave American waters and stay out. The *Leopard* had been enjoying American hospitality even on the day it attacked the *Chesapeake*, and, adding further insult to injury, returned to Lynnhaven Bay afterwards.

The action of the *Leopard* was too extreme for the British ministry to sustain. George Canning, Foreign Secretary, expressed regret and a willingness to make reparations. But when Jefferson insisted that reparations should be considered in connection with the general question of impressment, Canning dropped the matter. Impressment remained a burning issue until war intervened. When Congress met in special session (October 25, 1807) Jefferson asked for more gunboats. Congress, rather disgusted with the conduct of the *Chesapeake*, obliged (December 18) with an appropriation of \$852,500 for the construction of 188 of them. Jefferson still placed his trust in miserable little gunboats!

The Essex  
decision

In the meantime each belligerent had labored to ruin the other's trade—the British by blockade and Napoleon by closing the ports of Holland, Spain, and Italy. American trade was not adversely affected, however, because France was eager to have various American and West Indian products, while Britain continued to regulate neutral commerce in line with the British prize court decision in the case of the *Polly* (1800). This meant, for example, that American vessels might take French West Indian products to the United States, pay the established customs duties and, thus neutralized, reexport the goods to France. American foreign trade leaped upwards, stimulating the jealousy of English merchants, shippers, and planters.<sup>1</sup> Parliament attempted to remedy the situation, and the Prize Court of Appeals reacted to the public interest. In the case of the *Essex* (1805), Sir William Grant presiding, that court held that the mere payment of duties in a neutral port was

<sup>1</sup> Year	Domestic goods exported	Foreign goods reexported	Total
1803	\$12,210,000	\$13,590,000	\$ 55,800,000
1805	42,390,000	53,180,000	95,570,000
1807	48,700,000	59,640,000	108,340,000

not enough to establish the neutral character of the goods—unless it could be proved that the intent was to terminate the voyage in such neutral port, the reshipment to an enemy port constituted a continuous voyage, and hence a violation of the “Rule of 1756.”<sup>1</sup>

The famous decision was followed by the seizure of American ships, mounting to the number of 500 within a few months. American opinion was greatly antagonized, but the profits in this dangerous trade were so high that many shipowners continued to take the gambling chances that went with it. Actually, the volume of foreign goods reexported from the United States was greater in 1806 and 1807 than in 1805. Nevertheless, there was an outcry in America for protection from British enforcement of the “Rule of 1756.” What course could Jefferson take? Powerful belligerents, fighting to a finish, respect neutral rights only when they are afraid not to do so. With a strong navy Jefferson conceivably might have forced concessions from Great Britain or France. But he had insisted upon reduction rather than expansion of the navy; consequently it appeared that the United States, unprepared as she was, would either have to submit or fight. Jefferson, however, was confident that he had an alternative solution for the problem: he would resort to economic coercion. Permanent solutions, he believed, could never be secured by force. Peace he was determined to maintain.

*Reaction  
in America*

As a young man Jefferson had been greatly impressed with the successful boycotts directed against the Stamp Act (1765) and other British measures. He would employ the same weapon against Great Britain as a protest against the *Essex* decision. Congress accordingly responded (April 18, 1806) with a nonimportation act providing for the exclusion of many articles of British manufacture after November 15 unless a satisfactory settlement could be reached before that date. At the same time, William Pinkney was appointed special minister to join Monroe in England for the purpose of securing indemnity for seizures following the *Essex* decision, together with an agreement respecting impressment. Furthermore, because Jay's treaty would expire in October

*Jefferson's  
plan of  
action*

<sup>1</sup> During the American Civil War the United States found this precedent advantageous for her purposes, and Great Britain, in turn, used the American practice of 1861–1865 to her advantage during World War I.



1807,<sup>1</sup> they were instructed to negotiate a new commercial treaty defining neutral rights.

*The Non-  
importation  
Act*

The Nonimportation Act was a threat—a sword of Damocles to induce favorable negotiations. As such it was destined to fail. Randolph had taken its measure accurately in March when he derided it as “a milk-and-water bill, a dose of chicken broth to be taken nine months hence.” Monroe and Pinkney signed their treaty on December 31, 1806. Its commercial terms were much like those of the Jay Treaty. Great Britain would neither give up impressment nor the “Rule of 1756.” Jefferson therefore refused to submit the treaty to the Senate. The threat of nonimportation had been futile.<sup>2</sup> A stronger weapon must be forged, and indeed there was need of it, for France and Great Britain had settled down for the kill.

*Napoleon's  
“Continental  
System”*

As Napoleon crushed Austria (1805), Prussia (1806), and Russia (1807), he was in a position to put into effect his “Continental System.” With his army he could smash any land forces that were raised against him, but he could not use it against the British navy.<sup>3</sup> His own navy, together with the Spanish, had been destroyed at Trafalgar. So the Master of Europe would conquer England by closing the ports of Europe to her goods, and thus ruin her industry and commerce—England’s one vulnerable spot. Napoleon led off with the Berlin Decree (November 21, 1806) proclaiming a blockade of the British Isles, forbidding all commerce with them, and closing the ports of all nations under his control to English ships.<sup>4</sup> Great Britain retaliated with Orders

<sup>1</sup> The first ten articles of Jay’s treaty, dealing with posts, debts, boundaries, etc., were permanent. Articles dealing with commerce and rights on the ocean were to last twelve years from date of ratification.

<sup>2</sup> As a result of repeated suspensions the Nonimportation Act did not go into effect until December 14, 1807, eight days before the enactment of the Embargo Act.

<sup>3</sup> In 1794, when the French overran the Netherlands, French cavalry seized the ice-locked Dutch navy. But the English Channel never freezes!

<sup>4</sup> The decree was ostensibly in retaliation against “Fox’s Blockade.”

Following the death of Pitt (January 23, 1806) Charles James Fox returned to the foreign office. In an attempt to placate American feelings without antagonizing British sentiment, while Monroe and Pinkney were trying to make a satisfactory treaty, he resorted to an expedient by which Americans might evade some of the rigors of the “Rule of 1756.” He, therefore, proclaimed a blockade of the European coast from the Elbe to Brest; but the navy was instructed to enforce it strictly only from Ostend to the Seine, *i.e.*, the central portion. This meant that neutral vessels might enter ports at the two extremes of the coastline.

in Council (January 7 and November 11, 1807) forbidding neutral coasting trade between all enemy ports, proclaiming a blockade of all ports from which British vessels were excluded, and requiring all neutral vessels going to such ports to stop in a British port, pay a tax, and secure a license before proceeding. Napoleon followed, in turn, with the Milan Decree (December 17, 1807) declaring good prize any vessel, of whatever nation, which obeyed British rules, traded with her or her colonies, or submitted to examination by a British warship.

To the cautious American shipowner the situation presented a tough predicament. If his ship sailed for a British port, cleared from a British port with a license to enter any European port, or even submitted to examination by a British warship, it was liable to seizure by the French. To be sure, Napoleon had no navy with which to enforce his decrees on the ocean, but he did have a good many privateers able to give a nasty account of themselves, even as German submarines in 1917. If an American vessel sailed directly for a European port it was much more liable to seizure by running into a virtual British blockade along the American coast; for Britain found it easier to regulate the trade at its source than its destination.

*Effect on  
American  
shipping*

But if the risks were great so were the profits, and American sea captains were accustomed to take long chances. Actually the value of American trade increased until 1808 (embargo year). England was willing to aid neutral ships (to her advantage) going to European countries other than France, while Napoleon found it necessary to grant licenses to ships which he otherwise might have seized upon port entry. But, even so, the loss of American ships was heavy, and the interference with neutral rights galling to the spirit.

In midsummer, 1807, before the most sweeping of the British and French regulations had been proclaimed, it seemed that the limit of American patience had been reached. The threat of non-importation of British goods was proving no more efficacious than "chicken broth," while the *Leopard-Chesapeake* affair had just enraged the people of the commercial area and parts of the South to the point of war. But Jefferson's determination to keep the peace was matched by his confidence that he held the key to the

*The  
Embargo  
Act*

international situation through the control of economic resources indispensable for the success of the belligerents. He would force one or both to respect American rights on the ocean by cutting off American trade. Congress responded on December 22, 1807, with the Embargo Act, supplementing the Nonimportation Act which had finally gone into effect only eight days earlier. The Embargo Act (reinforced from time to time) forbade the clearance of all vessels bound for foreign ports.<sup>1</sup> Never before or since has the American government resorted to such a sweeping and drastic measure to protect neutral rights.

*Its effect  
in America*

What might have been accomplished had this self-imposed blockade been completely enforceable is open to conjecture. Actually the genius of a people which could propose such an heroic solution for national ills could find means of evading the rigors of the law. Many sea captains engaging in the coast trade found themselves driven by stress of weather into the West Indies!<sup>2</sup> A great amount of smuggling was carried on across the Canadian and Florida frontiers. It was the law-abiding shipowners, whose vessels were caught at home by the act, who were hardest hit. Commerce for them was ruined. Business that was associated with foreign commerce suffered greatly as well.<sup>3</sup> Goods rotted in warehouses and merchants took heavy losses, while many farmers and planters found the market for their surplus cotton, rice, meat, and tobacco destroyed.

*Effect in  
England*

England, too, was hurt. The price of cotton rose fifty per cent, and business losses were heavy. Among the poor of manufacturing towns suffering was acute. But as the months passed it became increasingly evident that the Embargo Act was futile as a device

<sup>1</sup> The Act went into effect immediately. Foreign vessels might leave with such goods as were on board before the passage of the act, and in ballast. American vessels might engage in the coastwise trade under bond equal to twice the value of vessel and cargo.

<sup>2</sup> Once there, they would have to sell their cargoes of flour and fish (at fancy prices) in order to make needed repairs to their ships! Some captains found waves so violent as to wash away the vessel's name, which, as well as his own, the captain would forget! Of course the posted bond might be forfeited, but what of it when cargoes were worth four to eight times as much as at the place of loading!

<sup>3</sup> In one respect New England benefited from the embargo and successive restrictive measures. Freed from English competition, her manufacturing grew rapidly. Moreover, she was able to sell a sizable share of her output to Middle and Southern states, thus draining from them a considerable amount of specie.

for coercion. Great Britain could not be moved, partly because a considerable volume of exports was being smuggled across American land boundaries and partly because she was just opening up new markets in South America. France was hurt even less than England. Actually, Napoleon found that the Embargo fitted beautifully into his system. At the same time it gave him the opportunity to indulge himself at American expense by seizing all American vessels coming into French ports in order to help Jefferson enforce his embargo!

If Jefferson had blundered, New England Federalists made the most of it. Their strength had been declining steadily since 1800. By 1807 the Republicans controlled every New England state except Connecticut. But general dissatisfaction, aggravated by hardships resulting from the Embargo, not only strengthened Federalists' ranks but brought dissension among the Republicans.

*Political  
reaction*

Jefferson, like Washington, would not consider a third term. The Republican choice, therefore, fell upon Madison, warm supporter of Jefferson's program. The Federalists nominated Charles C. Pinckney. In Virginia dissatisfied Republicans under Randolph's leadership nominated Monroe, while a similar group in New York backed the candidacy of Clinton. If Federalist and Republican factions had managed to unite, Jeffersonian policies must have terminated in March 1809. As it was, Madison was elected. However, before his inauguration Jefferson was compelled to accept repeal of the Embargo Act. In the winter of 1808-1809 New England Federalists—controlling the government in each state, and suffering acutely from the effects of the embargo—talked states rights and secession, and considered a convention for nullifying Jefferson's hated embargo. So on March 1, 1809, the Embargo Act was superseded by the Nonintercourse Act which reopened trade with all countries except Great Britain and France. Three days later, discouraged and humiliated, Jefferson sought retirement in the shades of *Monticello*.

*Repeal of  
the Embargo*

Jefferson's experiment in protecting American rights without recourse to war should not be considered a complete failure. Rather, it was a tribute to the President and people who conceived and endured it. If there was need for preserving peace in the administrations of Washington and Adams, that need had not alto-

*Jefferson  
retires*

gether disappeared after 1800. But Jefferson's mistake was in overestimating the importance of American commerce to the belligerents, while underestimating the hardships his experiment entailed for America. When a true remedy for war is found it may be possible to decide by how many years Jefferson was ahead of his time.

James  
Madison

Madison was not a happy choice for the presidency. His small stature and mild, unimpressive appearance were suggestive of the ineffectiveness of his leadership in a new and trying situation. The broad and exact knowledge which had served him so well in the Constitutional Convention, as a member of Congress, and as Secretary of State was of no particular value to him as President, for he was neither politician nor administrator. His was the misfortune of succeeding a strong party leader who had left the party in factions. He could pen well-reasoned state papers, but the war-torn world was little moved by them. Randolph ridiculed one of his lengthy protests against a British practice as "a shilling pamphlet hurled against eight hundred ships of war." In choosing his cabinet Madison was compelled to promote the mediocre Robert Smith to the State Department, rather than Gallatin whom he favored. Smith proved so incompetent that Madison was virtually his own Secretary of State, while Smith labored with his brother in the Senate to wreck the financial policies of the administration.

The Erskine  
agreement

The beginnings were highly inauspicious, yet within two months Madison scored what appeared to be a great victory in the cause of honorable peace. The Nonintercourse Act (repealing the Embargo for all countries except Great Britain and France) held out the bait of reestablished trade with that belligerent which would repeal its Orders in Council or Decrees. David Erskine, British minister at Washington, was instructed, therefore, to offer reparations for the *Chesapeake* and the withdrawal of the Orders in Council as they applied to American shipping providing the United States would (1) repeal all acts against Great Britain, (2) observe the "Rule of 1756," and (3) allow the British navy to help the United States enforce the Nonintercourse Act against France. Madison could not accept the last two conditions, but Erskine was so eager for a friendly settlement that he signed an agreement (April 18, 1809) omitting them. Madison proclaimed

that on June 10, 1809, nonintercourse with England would end. When the long-hoped-for day arrived about 600 American ships with cargoes of raw materials sailed joyfully for England.

Acceptance of the agreement must have drawn the United States to Britain's side against the French, but Canning, strangely, rejected it and recalled Erskine. In his place was sent Francis J. Jackson, a correct diplomat who could be relied upon not to be too friendly. Napoleon, for his part, seized still more American ships in French ports, pretending that they must be British ships in disguise inasmuch as the Nonintercourse Act would not permit American ships to be there. The net result of the Erskine agreement was increased bitterness in Anglo-American relations.

*Repudiated  
by Canning*

Manifestly the Nonintercourse Act should be scrapped; for if it could not bring England to terms there was not the slightest chance that it would move Napoleon. After several months of marking time, Congress passed "Macon's Bill No. 2" (May 1, 1810), opening American trade to all the world. But if either France or England should remove its restrictions upon American trade, the United States would resume nonintercourse against the other—unless the other followed the lead of its rival within three months. Thus Madison was not abandoning entirely the weapon of economic coercion forged by Jefferson.

*Macon's Bill  
No. 2*

Napoleon was highly disturbed by the action of the United States—his "Continental System" was in jeopardy. He deliberately set himself, therefore, to lead Madison into a false position. Such duplicity did not bother Napoleon's conscience (if indeed he had any) for he had flouted American rights for five years with insolence as rare as it was brazen. On August 5, 1810, his Minister of Foreign Affairs, the Duc de Cadore, wrote at Napoleon's direction that "the decrees of Berlin and Milan are revoked, and that after the 1st of November they will cease to have effect; it being understood that, in consequence of this declaration, the English shall revoke their orders in council."<sup>1</sup> Napoleon was making this gracious concession, Madison was informed, because "His Majesty loves the Americans"! On the same day Napoleon signed yet an-

*The Cadore  
letter*

<sup>1</sup> The equivocal character of the note was apparent to many. J. Q. Adams warned Madison that it was "a trap to catch us into a war with England." A member of Congress said the decrees were dead on August 5, and would cease to live on November 1.

other decree for the condemnation of American vessels which had entered French ports!

*Napoleon  
deceives  
Madison*

Madison fell into the trap. He interpreted the Cadore letter as the crafty emperor intended, and accordingly proclaimed (November 2, 1810) the suspension of commercial intercourse with Britain after three months, unless she should repeal her Orders in Council. Accumulating evidence proved that Napoleon was not sacrificing his "Continental System"—the last thing, indeed, that he would do in his struggle with Britain—but Madison "stuck to his guns." So did the British Foreign Secretary, Marquess Wellesley. With him William Pinkney labored to induce repeal of the Orders in Council. But Wellesley knew Napoleon better than did Madison: he would not be caught in the same trap. So in February 1811 American trade with England was once more interdicted, and Pinkney was permitted to terminate his ministry.

*The Presi-  
dent and  
Little Belt*

Four years of experimentation with economic weapons had secured nothing in the way of respect for American rights on the ocean. However, before drifting into war, Great Britain made long-overdue reparations for the Chesapeake affair by disavowing the action of Captain Humphreys, providing compensation for those killed and wounded, and restoring to the *Chesapeake* the two surviving American seamen taken in 1807. But the "right" of impressment was not surrendered. However, in the popular mind, this old grievance had been offset in a measure by the victory of the *President* (1811) in an accidental encounter with the sloop-of-war, *Little Belt*. The affair was not a creditable one, but Americans experienced that surge of feeling which is vouchsafed only those who finally strike back after enduring much.

*A new  
Congress*

The vicarious taste of fighting was rather intoxicating, and helped prime for battle the "War Hawks" who descended upon the Twelfth Congress, meeting in special session November 4, 1811. Nearly half the members were new, and represented popular resentment resulting from indignities suffered for eighteen years. The older generation, which was being dispossessed, had known war from Revolutionary experience and hoped to avoid a second conflict with the mother country; the younger, tired of temporizing, wished to fight something—Britain, France, or both!

*The War  
Hawks*

Promptly dubbed the "War Hawks," these new members combined with old ones of similar mind to take control of Congress.

Henry Clay, most prominent of the young men and in the House for the first time, was chosen Speaker. Among his associates favoring war were John C. Calhoun and Langdon Cheves of South Carolina, W. H. Crawford and G. M. Troup of Georgia, John A. Harper of New Hampshire, Peter Porter of New York, and practically the entire delegations from the Western states. In short, the war party represented the frontier from New Hampshire to Georgia—a frontier whose chief grievance was Indian troubles for which Britain was held responsible, and whose principal objective was the liquidation of that grievance, plus the acquisition of Canada and Florida for further expansion. Other motivating factors will be considered presently.

Since the question of peace or war was to be determined by the impact of frontier influence upon Congress, it becomes necessary to note briefly the clash of interests between red men and white which was responsible for the war spirit. On November 7, 1811, three days after the "War Hawks" entered Congress, William Henry Harrison won a doubtful victory at Tippecanoe. The battle was the outgrowth of organized Indian resistance to the advance of white settlements.

*The frontier  
influence*

For fifteen years after the Battle of Fallen Timbers peace was the rule in the Northwest, but the lands secured from the Indians by the Treaty of Greenville satisfied the white man's land hunger only temporarily. William Henry Harrison, governor of Indiana Territory from its creation in 1800, soon found it necessary to make new treaties. In 1809, after several previous purchases, the treaty of Fort Wayne provided for the cession of an additional three million acres and brought the ceded area close to the Indians along the Wabash. It was the signal for action on the part of aggrieved Indians who already had found leadership in two notable Shawnee headmen, Tecumseh and the "Prophet."

*Indian land  
cessions*

Until 1810 the "Prophet," an unusually influential "medicine man," overshadowed his brother. But it was the statesmanlike Tecumseh who was doing really effective work in bringing the tribes into a confederation for the purpose of preventing land cessions and developing Indian character. A man himself of splendid character, Tecumseh deplored the terrible demoralization which the white man's whiskey and diseases had wrought. In 1808, near the junction of Tippecanoe Creek and the Wabash,

*The  
"Prophet"  
and  
Tecumseh*



the two brothers established Prophet's Town. Here they assembled tribesmen for the consummation of their plans. Harrison was suspicious—they were not drinking whiskey.

*Battle of  
Tippecanoe*

Tecumseh expected aid from the British in Canada to whom he repeatedly took his grievances, but he hoped to avoid war until his confederation was strong enough for a really effective stroke. What promises British officials may have made is not known, but Tecumseh received heavy supplies of arms and clothing from the royal warehouses. By 1810 the West was convinced that the Indians had hostile intent, and Britain was blamed for it. In that year, at Vincennes, Tecumseh defied Harrison who for some time had been looking for an opening to encompass his rival; for the governor was pretty certain that he was a military genius who only needed a war to prove his ability. His chance came during the summer of 1811 while Tecumseh was away trying to draw the tribes of the South into his net.<sup>1</sup> During his brother's absence the Prophet failed to hold his braves in hand, so Harrison with about 1000 men marched northward toward Prophet's Town. On November 7 he won an uncertain victory at Tippecanoe. Tecumseh returned to find that his dreams were dashed, while Westerners looked upon the encounter as proof that the British were inciting the Indians to ravage the West. Could the frontier ever enjoy lasting peace with the red men as long as the British remained in Canada?

*Desire for  
Canada and  
Florida*

In Congress the "War Hawks" soon convinced themselves that the time had come to settle scores with Great Britain. But it was not a mere defensive war that they sought. The frontier representatives in Congress, from New Hampshire to Kentucky, were planning to drive out the Indians and secure their lands, control the rich British fur trade, and take Canada for good measure. At the same time, representatives of the Southwest were seeking Florida—some of them even dreaming of Mexico. Florida presented challenging problems because of the troublesome Indians, pirates, and runaway Negroes which it harbored. Moreover, it controlled the outlet of rivers which were becoming increasingly important to the South. Had it not been for her own territorial

<sup>1</sup> It commonly has been believed that Tecumseh's mother was a Creek, and, consequently, that he might the more reasonably expect aid from her powerful tribe. It is more probable that she was a Shawnee.

ambition (Madison and Monroe both favored the annexation of Florida) it seems probable that the South would not have favored war. For political reasons she was afraid of adding too much territory to the North. However, be it remembered that as early as 1807 strong sentiment in favor of the acquisition of Canada was expressed in that section, partly in anger over the *Leopard-Chesapeake* affair and partly, it seems, as a means of lessening Northern opposition to the further expansion of slave territory. At any rate, there is good reason to believe that Republicans North and South came to an understanding, before the declaration of war, respecting the acquisition of Florida as a counterbalance for Canada.

Another factor in the Western decision—one commonly overlooked—is that the British Orders in Council and French Decrees, because of their effect on markets and prices, caused economic hardship in the West as well as other sections, and for this condition Britain rather than France was blamed. Spokesmen for the West and South expressed their conviction, therefore, that British barriers to foreign markets must be removed.

Combining forces during the winter of 1811-1812, the frontier expansionists overrode the opposition of the maritime section with loud denunciation of British insults to the American flag, and convinced themselves that the taking of Canada would be a simple matter. For had not Clay himself, with the ripe judgment of thirty-two years, told them so as early as 1810? "I trust I shall not be deemed presumptuous," he declared, "when I state that I verily believe that the militia of Kentucky are alone competent to place Montreal and Upper Canada at your feet." In vain did Randolph inveigh against the "agrarian cupidity" which expressed itself "like the whip-poor-will" in "one eternal monotonous tone—Canada! Canada! Canada!"

*An easy task!*

President Madison, like Jefferson, was strongly opposed to war but finally gave way before the importunities of the war party. In his war message (June 1, 1812) Madison assigned as principal grievances: impressment, interference with trade, and incitement of Indians to hostility. Impressment and interference with neutral rights were just grievances, and provided the background that made war possible; but New England, New York, and New Jersey, the states which had furnished most of the seamen and three-

*Madison recommends war*

fourths of the ships of commerce, were opposed to war. This maritime section preferred to endure wrongs rather than risk the loss of its commerce; moreover, it looked upon Napoleon as a greater transgressor than Britain. Certainly there was little choice between the belligerents. Napoleon was more contemptuous of neutral rights than was Britain, and his clever duplicity had done much to embitter Anglo-American relations. According to Madison's own report, Napoleon seized far more American vessels after 1807 than the British. Why, then, not declare war on France? Actually, a motion in the Senate to this effect was defeated by only two votes. But France had impressed few seamen, and after 1805 had no navy to bother American coasts. More significantly, she had no territory to entice expansionists.

*Declaration  
of war*

On June 18, 1812, the "War Hawks" forced the declaration of a war that was as untimely as it was unnecessary. Great Britain did not want war. The strain of the long struggle with France was becoming extreme. A crop failure, making the price of bread almost prohibitive, added to the general misery of the poor, while rioting aggravated ills produced by the closing of factories. Nobody wished to increase Old England's burdens by fighting America. The current toward conciliation with the United States was setting in strongly, especially after the beginning of 1812, but there was no American minister in London to report the friendlier tone of the Foreign Office. Poor management and bad luck delayed action until it was too late: George III (of Revolutionary memory) had had the poor grace to become insane, and much confusion attended the establishment of the Regency; then a crazy broker assassinated the Prime Minister in the lobby of the House of Commons in May 1812. By June a new ministry was functioning, and on the sixteenth it announced in Parliament the suspension of the Orders in Council as they applied to American commerce.<sup>1</sup> If there had been a cable to flash the news, Jefferson's scheme of war prevention might well have succeeded after all, for the division in the Senate was very close.<sup>2</sup>

<sup>1</sup> The formal revocation by Parliament followed on the twenty-third.

<sup>2</sup> The vote in the Senate was 19 to 13, in the House, 79 to 49—the closest margin by which Congress has ever declared war. The frontier states voted heavily for war, and were supported by the South. New England, New York, and New Jersey were strongly opposed.

## Chapter Twenty-Four

### THE WAR OF 1812

THE FRONTIER representatives in Congress forced the declaration of war, June 18, 1812. It was to be a brief war, involving a not-too-dangerous military lark into Canada, and peace would be dictated at Quebec or Halifax. "The acquisition of Canada this year as far as Quebec," wrote Jefferson, "will be a mere matter of marching." Said Calhoun (March 1812), "Sir, I believe that in four weeks from the time a declaration of war is heard on our frontier, the whole of Upper Canada and a part of Lower Canada will be in our power." And why not! The population of the United States was fifteen or twenty times that of Canada, and the British regulars there numbered not more than 4500. Canadian officials, fully cognizant of their military weakness, were extremely doubtful concerning their ability to resist the invasion. Americans were destined to receive a bit of enlightenment.

*Early  
American  
attitude*

In most respects the United States was woefully unprepared for war. In November 1811, Madison had advised preparedness, but the "War Hawks" were more disposed to talk about seizing Canada than providing the means for doing it. However, Congress finally authorized a regular army of 35,000 and a militia of 50,000. In addition, the President was authorized to call upon the states for militia. But volunteering was slow, and when war was declared the total regular force numbered less than 10,000, only half of which was available for frontier service. The number of volunteers was even smaller; moreover, when put to the test, both volunteers and the state militia were generally unwilling to cross the border.

*State of  
preparedness*

Poor as was the army, it was as good as its ranking officers.<sup>1</sup>

<sup>1</sup> Henry Dearborn, senior major-general, Thomas Pinckney, junior major-general, and Joseph Bloomfield, Wade Hampton, James Wilkinson, and James Winchester, brigadier-generals.

West Point, established in 1802, had not yet begun to turn out officers.

*The army*

Henry Dearborn, senior major-general, was without experience in the field. Indeed, of the seven highest only three had had records in the regular army. William Hull, alone, had actually led a regiment in battle. In all seven the fire of youth had burned out—"decayed gentlemen," Winfield Scott later described them. Not for a year and a half did men of real military talent reach the top. Andrew Jackson was smothered until the last year of the war. Responsibility for this deplorable situation must be charged ultimately to the President.

*Finances*

The state of the army was not the only indication of the jaunty indifference with which Congress viewed the requirements for waging warfare. When that body adjourned in early July 1812, no provision had been made for financing a war except the authorization of a loan of \$11,000,000. Gallatin had proposed new taxes, but the war party could not bear the thought of such an undemocratic proposition. After all, the war would be a short and inexpensive one! The patience and ingenuity of Gallatin were taxed to the limit to find revenues for lagging armies. His difficulties were augmented by the hostility of the merchant class which possessed most of the ready money and by the disappearance of the United States Bank which might have managed the war loans.

*Lack of national solidarity*

Bad as was the state of military and financial unpreparedness, the lack of national solidarity was worse. Sectionalism was rife, making impossible a concentration of the nation's energies. Many Southerners, including Secretary Monroe, were not enthusiastic about Canada, the acquisition of which would mean additional Northern states. Northern Republicans, including Madison's enemies, thwarted Southern aims toward securing Florida, while New England Federalists opposed the war altogether and were particularly unsympathetic toward any expansion southward.

*New England*

Worse still was the half-hearted cooperation of New England in the war. Traditionally, the leaders of this section—men of commerce, finance, and the professions—had favored England rather than France. Napoleon was looked upon as an enemy of civilization, while England was its champion. Pickering's famous toast, "The world's last hope—Britain's fast-anchored isle," was to them something more than an expression of sentiment. Federalists could hardly be expected to favor a Republican war undertaken

in the interests of frontier expansion, and that after suffering four years of Jeffersonian restrictions upon their commerce. The news of the war was received in New England by the tolling of bells and flags at half mast. The press denounced "Mr. Madison's war," while businessmen gathered in such profits as resulted from it. Opposition lasted throughout the war, and a serious matter it proved to be. Enlistment was openly discouraged, governors of Massachusetts and Connecticut even going so far as to refuse to honor the President's call for militia.

More serious still was the poor financial support given by this section which possessed over half the specie of the nation. New England prospered from foreign trade during most of the war. Not until April 1814 was the British blockade extended to include all New England. Specie was drained, therefore, from the remainder of the United States. Nevertheless, during the entire war, New England subscribed less than \$3,000,000 in federal bonds. The middle states took \$35,000,000. It is probable that New England's loans to the Federal Government were more than matched by her loans to the British.

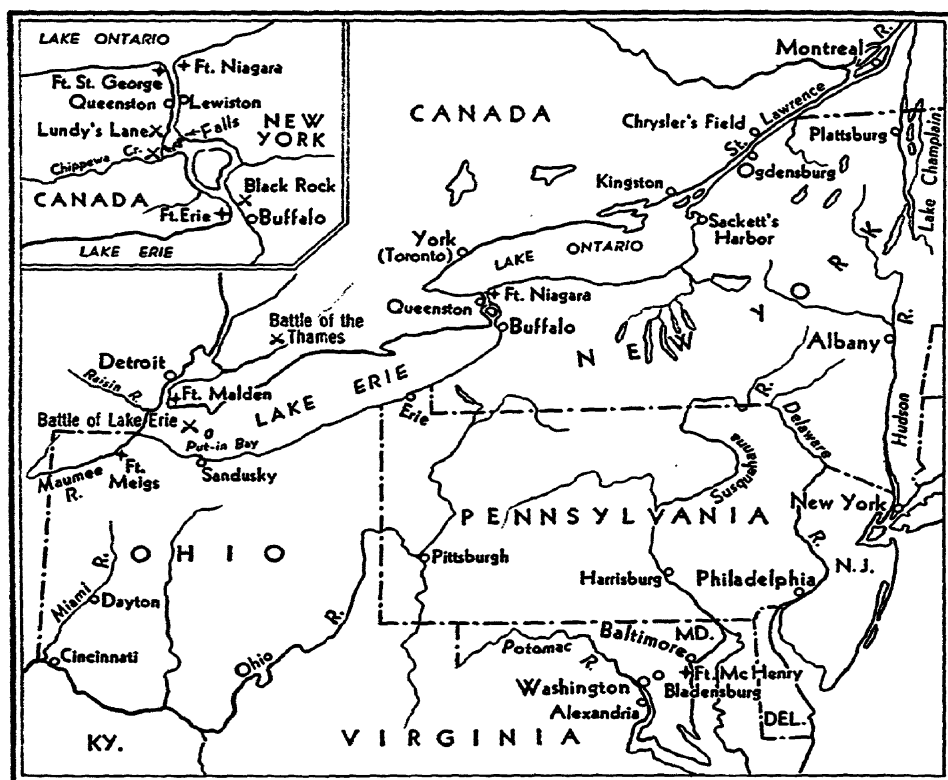
Although the Federalists were most outspoken, they were not alone in their opposition to the war. Republican opposition was general north of the Potomac and was clearly reflected in the election of 1812. Peace was the one great issue, and the division was between the advocates of war and the friends of peace, rather than Republicans versus Federalists. Madison was renominated by the war faction in May. New York Republicans broke away and nominated De Witt Clinton who was endorsed by the Federalists. Madison carried only two states north of the Potomac—Pennsylvania and Vermont—but was reelected by the votes of the South and West. It is clearly evident, therefore, that the war might have ended almost before fighting began had it not been for the frontier influence.

Meanwhile, the "conquest" of Canada had begun. The plan of campaign, worked out by General Dearborn, called for a main army to advance by way of Lake Champlain while corps of militia with a few regulars should strike at Sackett's Harbor, Niagara, and Detroit. If the main objective in this strategy had been carried out, the British line of communications might have been cut at

*Election  
of 1812*

*On to  
Canada!*

Montreal, thus paralyzing military operations above that point. The British well knew the strategic importance of Montreal, at the head of ocean navigation, and Kingston, at the foot of Lake Ontario. Governor Isaac Brock of Upper Canada wrote that if



PRINCIPAL BATTLE AREA IN WAR OF 1812

the line of communication between the two should be cut off, "the fate of the troops in [Upper Canada] will be decided." But lack of support from New England greatly hampered the execution of the plan: furthermore, the frontier was demanding thrusts on Detroit and Niagara because the British were held responsible for the Indian outbreak in the West. So it was that green American armies made futile attempts at invasion on the portion of the border where, according to sound military strategy, the least lasting good could be accomplished.

The great difficulties to be encountered in campaigning on the Northwest border were not comprehended at Washington. The taking of Canada might be a "mere matter of marching," but marching armies required food and equipment. The frontier could supply neither, and there were hundreds of miles of almost trackless wilderness between the border and the source of supply.

The first movement of troops was on the western front. Even before war was declared General Hull, having taken command of about 1500 men at Dayton, Ohio, was cutting his way through the wilderness to Detroit in order to undertake his assignment for the invasion of Canada. Appreciating the high importance of controlling Lake Erie, Hull had urged the government to provide a naval force, but nothing had been done. On reaching Toledo Bay, and not having learned that war had been declared, Hull sent his baggage, muster rolls, and instructions by boat to Detroit. These the British promptly captured. This initial disaster was soon followed by the enemy's success in cutting off his only line of communication. Such an inauspicious beginning might well have blunted the enthusiasm of a more youthful and daring commander. However, believing that other American armies to the eastward, in accordance with Dearborn's plans, would keep a portion of the British forces engaged, Hull crossed the Detroit River in July and advanced toward Malden where British forces were concentrated. Americans generally were under the delusion that Canadians would be willing to enjoy real freedom under the American flag. On the contrary, Hull found the country hostile. The many ex-American Loyalists who had settled in Upper Canada after losing their property in the United States had not forgotten their old hatreds. Hull soon lost his nerve and returned to Detroit. *Hull's advance*

Opposing the overcautious American general was the brilliant governor of Upper Canada, Major-General Isaac Brock, who marshaled the available man power and moved on Detroit when he learned that there were no other American armies at the front. Nearly half his command were Indians, for Tecumseh's confederacy had joined the British. On August 15 Brock demanded Hull's surrender, cleverly hinting that he probably could not keep the Indians in hand when fighting began. Fearing a general massacre *Surrender at Detroit*



of the defenseless women and children of the territory, Hull weakly surrendered his entire command of some 2000 men to an army about half as large as his own.

The blame for this disgraceful outcome was not Hull's alone. He had accepted command of the expedition against his wishes; moreover, responsibility for the faulty plan of campaign must be shared by Secretary Eustis and Madison. But the embittered populace cared little about the reasons for failure. For them it was enough to know not only that the invasion of Canada had failed, but that an army was lost and everything northwest of the Wabash with it. Hull was made the scapegoat for Western cupidity and governmental inefficiency.<sup>1</sup>

*Melodrama  
on the  
Niagara*

Little more was done on the Canadian front during the remainder of 1812, and that little was discouraging. Because of the slight American sentiment in favor of war east of the Niagara, the British moved all available resources to Upper Canada. General Brock was back at Niagara by September. Across the river some 6000 scattered American troops gathered by the middle of October. Of these, a few were regulars under Alexander Smyth; the remainder were New York militia under Stephen Van Rensselaer. As a prospective candidate for the governorship, it was up to Rensselaer to show his wares by winning a victory; but he got off to a bad start by quarreling with Smyth. Then, when he directed an attack on Queenston, he not only did not have the support of Smyth but could not induce most of his own militia to cross the river. They were sovereign American citizens who had joined the colors to defend their homes and would not invade foreign soil! So they watched, instead, the defeat and surrender of the small detachment which had crossed. In this battle Brock was slain.

It was then Smyth's turn. After several bombastic proclamations to the Canadians he started toward Fort Erie. At Black Rock he ordered his men "to disembark and dine." They did not stop with such decorous deportment. Firing their muskets wildly

<sup>1</sup> Hull was tried by court martial, convicted on the charges of cowardice and neglect of duty, and sentenced to be shot. Madison remitted the execution of the sentence because of age and Revolutionary service. The honor of the family name was preserved by Isaac Hull, his nephew, who commanded the *Constitution* when it fought the *Guerrière*.

in all directions, the expedition broke up to the great disgust of Colonel Peter Porter who charged his superior with cowardice. Smyth and Porter then fought a bloodless duel, and Smyth joined Hull and Rensselaer in retirement. The war was proving hard for military reputations.

General Dearborn, on the most eastern line of advance, led his army from Plattsburg for the long-expected attack on Montreal. But at the Canadian border the militia refused to go farther. So the highest officer of the armies of the United States led his men back to winter quarters! The first year of land operations could hardly have been more disastrous.

*Futility in  
the East*

With Hull's failure the western command fell to the waiting "Hero of Tippecanoe" who had been angling for an appointment since the beginning of the war. Harrison's plan for the advance of three divisions to a juncture on the border looked well on paper; but the obstacles of distance, mud, and an inadequate commissary could not be overcome in 1813. One command, under James Winchester, advanced too fast and was crushed by General Proctor at the Raisin River. Harrison then abandoned his original plan of invading Canada by land, and waited for Perry to gain control of the lakes while he assembled another army. Western assurance of a short war perforce was ebbing.

*Harrison  
in the West*

After Hull's defeat the construction of an American fleet on Lake Erie was authorized; for Congress had come to appreciate what the British had known long before the war began; that is, that the army which controlled the Great Lakes could dominate the entire territory bordering upon them. The land routes of Upper Canada, except in winter, were almost impassable; in spring wholly so for heavy vehicles. Command of the Lakes, therefore, was absolutely essential for British success above Niagara. It was control of the Lakes that enabled the British to hold Detroit, and with it the alliance of many Indians. Such support was not an unmixed blessing, however, for these same Indians to the number of 14,000 had to be fed, thus placing a heavy strain upon the British commissary.

*Importance  
of the  
Great Lakes*

Captain Oliver Hazard Perry was sent to Lake Erie to superintend construction of the war vessels. Nearly everything except timber had to be brought from Philadelphia and Washington.

*Perry's  
victory on  
Lake Erie*

Cordage, sails, guns, and ammunition were hauled overland to Pittsburgh, then up the Allegheny and French rivers to the last portage fifteen miles from Presqu'ile (Erie). Through the winter and summer of 1812-1813 the work was pushed. Then on August 4 Perry was able to move his ten vessels (half of them newly constructed) across the bar and onto the lake, and thus to cut off supplies for Detroit and the British squadron under Captain Barclay. Barclay hoped to postpone battle until his fleet was stronger, but the near-exhaustion of supplies gave him no choice. At Put-in-Bay on September 10 he met the slightly stronger fleet of Perry, and was decisively beaten.

*Battle of  
the Thames*

Perry's glorious victory assured American control of the lake. Consequently the British were compelled to evacuate Detroit and Malden. Moreover, Harrison could safely invade Ontario, and on October 5, at the Battle of the Thames, Proctor's army was beaten and Tecumseh killed. The Indian confederacy was broken up, and the West was secure. Harrison soon resigned from the army.

*Ineffective  
action on the  
St. Lawrence*

Farther eastward, American campaigning until the summer of 1814 is a story of continued mismanagement and bungling. In April 1813, General Dearborn raided York, the capital of Upper Canada. After the surrender of the town undisciplined American soldiers went on a spree, burning the parliament buildings and the governor's house. There followed a succession of retaliatory raids which were a credit to neither side. Burning Queenston, and turning the inhabitants out of their homes on a cold December night, brought bitter retaliation in the loosing of Indians and the destruction of Buffalo. Still farther eastward, James Wilkinson, who succeeded Dearborn in July 1813, and Wade Hampton were supposed to cooperate for the long-awaited attack on Montreal. They were a poorly matched team. No man who ever wore the straps of a general in the United States Army has been so universally detested as Wilkinson, and the spirited Hampton hated him cordially. The result was a military fiasco. Two thousand men of Wilkinson's command were beaten and turned back by eight hundred Canadians at Chrysler's Farm. Meanwhile, Hampton advanced from Plattsburg to Chateauguay, a distance of about thirty-five miles, decided that he was to have

no support from Wilkinson, and therefore returned to winter quarters.

So ended land warfare for 1813, together with the military careers of two more generals. Thus far, Americans had won but a single noteworthy land battle (Thames), and that was made possible only by Perry's victory on Lake Erie.

It was fortunate for American morale that the navy was able to give a better account of itself. When the war began it consisted of only sixteen sea-going vessels (exclusive of the Jeffersonian gunboats) but was manned by a body of splendid officers, a large proportion of whom had seen service in the war with Tripoli, and stout-hearted sailors.<sup>1</sup> But however splendid the spirit of its officers and volunteer crews, the navy could hardly be expected to scare the powerful Mistress of the Seas with her more than 600 sea-going vessels, about 130 of which were larger than any ship in the American navy. However, at the beginning of hostilities, only ninety-seven British ships were stationed in American waters; but of these, eleven were ships-of-the-line, and thirty-four were frigates. The strongest ships in the American navy were three frigates, *Constitution*, *President*, and *United States*, all forty-fours. They were sturdy and fast, and were superior to vessels of corresponding rank in the British navy. The navy

American officers and seamen were eager to avenge the *Chesapeake*. They did not have long to wait, because Captain Dacres of the hated *Guerrière* wished to avenge the sufferings of the *Little Belt* which had been mistaken for the *Guerrière*. Dacres issued a challenge to any American frigate to meet him off Sandy Hook. Captain Isaac Hull, of the *Constitution*, accepted. About six o'clock, August 19, eight hundred miles east of Boston, the frigates met at close range. Half an hour later the *Guerrière* was a ruined hulk, and seventy-nine of her crew were dead or wounded. Captain Dacres knew the *Constitution* was a superior vessel, but that did not deter him from arrogantly seeking battle with her. British seamen had dominated the seas for so long that they were confident of their ability to outsail and outfight anything afloat of comparable size. Brilliant  
naval duels

<sup>1</sup> The money that had been spent on worthless gunboats would have built five seventy-four-gun ships-of-the-line, or eight to ten frigates.

The psychological value of the outcome was inestimable. For years Americans had been insulted and treated with contempt by British officers; and there was the unforgettable humiliation of the *Chesapeake*. Now all was changed: the taste of blood and glory was provocative. Other American vessels sought duels. In October the sloop-of-war *Wasp* defeated the *Frolic* in forty-three minutes, killing or wounding all its crew but twenty; a week later the *United States*, Captain Decatur, overcame the *Macedonian* and brought her into port—the only British frigate ever brought as a prize into a port of the United States. The year closed with the victory of the *Constitution*, Captain Bainbridge, over the *Java*. In each of these encounters, except one, the American vessel threw the heavier broadside, but superior seamanship was an important factor, too. Congress caught the spirit, and in January 1813 authorized the construction of four seventy-fours and six large frigates. None of them went to sea during the war.

*The navy  
driven off  
the ocean*

After 1812 ocean victories were few in number. British naval strength was hardly touched throughout the war by such losses as she sustained, but the early American victories greatly humbled her pride. Before the end of the first winter she bestirred herself to action and established a blockade which caught most of the American war vessels in port.<sup>1</sup> In command of the blockade of Boston Harbor was Captain Philip Broke of the *Shannon*, eager to try conclusions with a vessel of equal strength. He challenged the ill-starred *Chesapeake* to fight him off Boston. Broke was a seasoned officer with a crew of highly trained veterans. The crew of the *Chesapeake* was green; but the spirited Captain Lawrence foolishly accepted the challenge and sailed out of the harbor for the encounter, June 1, 1813. From the beginning the American frigate was almost helpless before the deadly broadsides from the *Shannon*. Lawrence fell mortally wounded, giving his last order, "Don't give up the ship"; but fifteen minutes after the firing of the first gun there was no other choice.

During the greater portion of the war the American navy was practically driven from the ocean. Only the *Constitution* and four smaller ships remained at sea when the war ended. Much more

<sup>1</sup> This blockade of American warships is not to be confused with the commercial blockade which was not extended beyond Narragansett Bay until April 1814.

effective upon the British than naval duels was the American attack upon their commerce; but here we find that privateers inflicted four times as much damage as the navy, and consequently had more influence in producing a disposition favoring peace. During the entire war a total of 526 American privateers tried their fortunes. Nearly half of them fell into British hands, and many others were unsuccessful, but 1344 prizes were taken.<sup>1</sup> The navy accounted for 165. *Privateers*

In 1814 Great Britain was in a position to take the offensive in land fighting. Until then her efforts had been concentrated toward the overthrow of Napoleon. American fortunes, even as during the Revolution, hinged upon European conditions. Six days after the United States declared war on England, Napoleon with his Grand Army of 600,000 crossed the Niemen River into Russia for the purpose of crushing Tsar Alexander I, who had deserted Napoleon's Continental System. Napoleon was led far into the interior, and then was caught by the terrible cold of a Russian winter. On December 13 the remnant of the Grand Army recrossed the Niemen, leaving fully half a million dead behind. The vaunting ambition of the Corsican was fast leading him to his downfall. *The war in Europe*

In America the prospects by 1814 were gloomy: New England was threatening secession, the treasury was practically empty, and soldiers had almost ceased volunteering. America had bet on the wrong horse: Napoleon abdicated on April 13, 1814. Great Britain at last could send all the veteran troops necessary to relieve hard-pressed Canada, and plan offensive warfare to bring hostilities to an early end. Many Englishmen, embittered by years of hard fighting, relished the prospect of doing a thorough job of it. "May no false liberty, no mistaken lenity, no weak and cowardly policy, interpose to save them from the blow!" admonished the *Times*. "Strike! Chastise the savages, for such they are! . . . With Madison and his perjured set no treaty can be made, for no oath can bind them." A vigorous campaign was *Gloomy outlook in 1814*

<sup>1</sup> A few privateers enjoyed remarkable careers. The *America* took forty-one prizes, realizing \$1,100,000 after deducting expenses and government charges. Half of the proceeds went to the ship's company. Another, the *True Blooded Yankee*, fitted out by an American in Brest, took twenty-seven valuable vessels in one cruise along the coasts of Ireland and Scotland.

*British  
plan of  
campaign*

planned. The navy was concentrated on the American coast, and a thorough blockade extended to include New England. One army, descending from Canada, should strike at Lake Champlain cutting off New England, while another with a supporting fleet should seize New Orleans and detach the Southwest. At the same time mixed naval and military forces should harry the Atlantic coast.

*Chippewa  
and Lundy's  
Lane*

Before the reinforcements arrived in America, Major-General Jacob Brown and Brigadier-General Winfield Scott, younger men who had been advanced on the score of merit, tried their fortunes on the Niagara front. At Chippewa, July 5, a small engagement was won by the Americans. Three weeks later, at Lundy's Lane, in the most hotly contested battle of the war, Brown and Scott won a tactical victory but were soon compelled to fall back. Inconclusive as the fighting was, it showed the fine spirit of the regulars. One-third of the Americans engaged fell in battle.

*Mac-  
donough's  
victory*

Meanwhile, Sir George Prevost was receiving thousands of veterans from Wellington's Peninsular Army, and hundreds of beeves from Vermont and New York to feed them.<sup>1</sup> On August 31 his army of some 12,000 men began its forward march along Burgoyne's old route, accompanied on Lake Champlain by a small squadron. Seven days later he reached Plattsburg, where were stationed only 1500 regulars and a few thousand militia. However, before brushing away this obstacle, Prevost resolved to gain control of the lake, which was defended by a flotilla of thirteen small vessels under Captain Thomas Macdonough. On the eleventh the fairly evenly matched squadrons engaged in deadly combat for nearly two and a half hours. In the end the British struck their colors, and Prevost took his army back to Canada. No other engagement of the war had so much influence toward producing a satisfactory peace.

*Operations  
on the  
Chesapeake*

During the summer of 1814 the British navy under Admiral Cochrane controlled the entire Atlantic coast. After making several descents upon New England it centered activity upon the Chesapeake. Angered by reports of burnings in Canada at the

<sup>1</sup> In August 1814 Prevost reported nearly 30,000 troops in Canada, almost all of whom were regulars. "Two thirds of the army are supplied with beef by American contractors, principally of Vermont and New York," wrote Prevost, August 27, 1814.

hands of American soldiers, Cochrane issued orders "to destroy and lay waste such towns and districts upon the coast as may be found assailable." In August the outlook for Americans appeared much darker when a large detachment of regulars from Wellington's army joined Cochrane and the squadron of Admiral Cockburn in the Chesapeake. The main purpose back of this movement was to create a diversion for the benefit of Prevost's northern army. Opposing this augmented force of more than twenty vessels of war (plus a large auxiliary fleet), together with a landing force of over 4000 soldiers under General Ross, was Commodore Barney with only ten barges and some gunboats. On August 19, Ross landed his army at Benedict, about forty miles from Washington, and advanced unhindered toward the capital.

Seven weeks earlier General W. H. Winder, a fussy and incompetent political appointee, was placed in charge of the Washington district over the protests of John Armstrong, Secretary of War. Winder's preparations for defense were woefully ineffective, but were in keeping with the poor support which he received from the Administration. A call for 93,500 militiamen was sent out, but the citizenry responded in the most disheartening fashion. When Winder finally took his stand at Bladensburg, five miles from Washington on the road over which the British must advance, he could muster only 5000 or 6000 green men to support Barney and his 400 seamen. Barney had retreated before the British advance as long as it could be done safely, then burned his gunboats to prevent capture.

President Madison, Secretary Monroe, and others of official Washington rode out to see the fighting. However, before the battle began, Madison observed that it would be proper for them to retire, "leaving the military movement to military men." He retired none too soon; for the militia fired once or twice then ran for Washington. Only the brave but futile stand of Barney's men saved the "Bladensburg races" from being an utter fiasco. American casualties were one-half of one per cent. The British advance into the city, by evening of the same day (August 24), was so rapid that citizens barely had time to flee. Nothing was saved from the White House except the plate and a portrait of Washington, together with most of the wine which fleeing militiamen

*The Capitol  
burned*



drank. The remainder of the wine was consumed by Admiral Cockburn and his staff who ate the dinner that had been prepared for the Madisons. All the public buildings, save the Post and Patent Office, together with some private houses, were burned. At night a severe thunderstorm checked the fires. American humiliation was complete, and the prospects as gloomy as they well could be: American vessels practically swept from the ocean, British regulars pouring into America by the thousands, and militiamen running from them at sight! Fixing the blame for the burning of the capital city served no useful purpose.<sup>1</sup>

*The British  
at Baltimore*

Leaving Washington almost immediately, the British fleet and army advanced upon Baltimore, where a different reception was in store. There the citizens had made good use of their time; consequently the defenses of the city proved adequate to withstand the attack. General Ross was killed, the invaders decided that success would not be worth the cost, and Francis Scott Key wrote his inspired lines to the Star-Spangled Banner. So ended the fighting in the Chesapeake.<sup>2</sup> About a month later Cochrane, with the division from the Atlantic coast, joined reinforcements from England in Jamaica for carrying out the attack upon Louisiana. Thus in December 1814 the third expeditionary force, of some fifty vessels and 10,000 soldiers, bore down upon New Orleans. Awaiting it was the greatest military leader that the war produced—Andrew Jackson.

*Andrew  
Jackson*

When the war began, the Southwest embraced the long-cherished opportunity to seize Florida. Jackson organized about 2000 Tennessee volunteers, who had offered their services before war was declared, and at the direction of the War Department started toward New Orleans to serve under General Wilkinson.<sup>3</sup> Only his enthusiasm for the invasion of Florida permitted Jackson to accept the condition, for he entertained such a cordial dislike for

<sup>1</sup> Madison, Armstrong, and Winder must share the blame. Armstrong was forced to resign from his post in the War Department. Secretary of State Monroe then directed the work of the War Department until March 1815.

<sup>2</sup> Through a stroke of luck a British powder schooner fell into American hands as the British were retreating from Baltimore. The sturdy little vessel, later rechristened *Australia*, is still (1939) in active service in the Chesapeake.

<sup>3</sup> An act of Congress, May 14, 1812, declared all West Florida annexed, and authorized its seizure. General Wilkinson took possession in April 1813, after bluffing out the garrison at Mobile.

Wilkinson that he took along his dueling pistols. At Natchez he received orders from the War Department to dismiss his men with the thanks of the President! Jackson replied to Secretary Armstrong that he would not demobilize his men—he would take them home even if they had to eat his horses. At his own expense he led them back to Tennessee, ordering the weak to ride his own horses while he trudged along on foot. “Old Hickory,” he was afterwards called.

Hull's collapse at Detroit produced a bad effect upon southern Indians. The younger braves among the Creeks demanded white scalps, and on August 30, 1813, at Fort Mims in Mississippi Territory, they collected about 500. Fear and anger swept the frontier. The governor of the territory called upon neighboring states and the Federal Government for help. Tennessee provided it; and Jackson received his big chance while in bed recovering from injuries sustained in a tavern fight with the future Senator Benton and his brother. In October he took the field in search of bad Indians. His experiences with militiamen, enlisted for terms as short as sixty days, illustrate the almost insuperable difficulties confronting every officer who labored with them: his success proves the high qualities of his leadership. He could carry out the execution of a youthful volunteer for disobedience, yet keep the affection of his men, and in spite of all obstacles perform the task that he set for himself.

*Indian  
uprising*

In March 1814 Jackson crushed the Creeks at Horseshoe Bend (near Montgomery), and in August signed the Treaty of Fort Jackson with what was left of their chieftains (friends as well as enemies) for the transfer of over twenty million acres of Creek lands. The cruel and exorbitant terms have not been surpassed by any other Indian treaty, but “Sharp Knife,” as the Indians knew him, was not to be denied. The war was yielding dividends for the Southwest frontier.

*Battle of  
Horseshoe  
Bend*

A few days before Jackson signed his treaty with the Creeks, a small British force under Major Nicholls took possession of Pensacola in order to organize Indians, disaffected Spaniards, and Frenchmen for the purpose of driving the Americans entirely out of the Floridas and Louisiana. Disturbed by Nicholls' presence, and smarting under the refusal of Spanish authorities to sur-

*Jackson to  
New Orleans*

render Creeks who had escaped his vengeance, Jackson invaded Florida without instructions and seized Pensacola. Shortly afterwards he was ordered to New Orleans where it was thought the British expeditionary force might strike. Jackson arrived in that city on December 2, 1814. Eight days later the great British fleet came to anchor at Ship Island at the mouth of Lake Borgne.

With characteristic energy Jackson prepared to meet the British by each of the six possible approaches to the city. But by heroic labors an advance force of redcoats made its way undetected from Lake Borgne by an "impossible" route to a point near the east bank of the Mississippi and about six miles below the city, arriving on the twenty-third. That same night Jackson attacked with such vigor that the British decided to await further reinforcements before advancing toward the city. Sir Edward Pakenham, brother-in-law of Wellington, arrived on Christmas Day and took command, but he delayed the great attack until January 8. It was a fatal mistake, for Jackson was given time to build a strong line of defense along a drainage canal between the river and the great swamp.

*Battle of  
New Orleans*

Pakenham was an able commander, but he shared the contempt which Cochrane and the lower ranks felt for the "Dirty Shirts," as Jackson's militia was called. Otherwise he must not have blundered as he did. At daybreak 6000 veterans advanced in close formation for a frontal assault on Jackson's motley aggregation of militiamen from Tennessee and Kentucky, Negroes, Creoles, and pirates. Three times the brave columns charged: three times they recoiled before the withering fire of Jackson's protected line. Pakenham's foolish mistake cost him his life together with those of 2000 other brave Britons. The American loss was thirteen. It was the most decisive victory ever won by an American army over a foreign foe. Peace had been signed at Ghent two weeks before.

*New Eng-  
land's  
opposition  
to the war*

While the Southwest, practically unaided, directed its campaigns to a glorious conclusion, New England sulked over "Mr. Madison's" war, and threatened dismemberment of the Union. Not until the spring of 1814 was the British commercial blockade extended beyond Narragansett Bay. Nearly all American imports, therefore, had tended to enrich New England. If her sea-

farmer activities were interrupted by the war, economic diversification was stimulated. Manufacturing expanded rapidly. But Federalists clung to the idea that prosperity depended upon commerce, and so proclaimed New England's ruin. The general dissatisfaction resulted in Federalist control of all state governments of the section by 1813, and made united action possible. Strong declarations of states rights were made by the "free, sovereign, and independent" states of Massachusetts and Connecticut. In Congress a representative from New Hampshire, speaking (December 9, 1814) in opposition to a proposed conscription law, delivered a moving appeal for nullification. "The operation of measures thus unconstitutional and illegal," he declared, "ought to be prevented by a resort to other measures which are both constitutional and legal." The speaker was Daniel Webster.

By the end of the summer of 1814 Federalist patience was exhausted. New England was paying heavy war taxes but was receiving no protection from British raids. Two weeks after the burning of Washington, Massachusetts followed the action of Connecticut in withdrawing her militia from federal service; then on October 5 her legislature called upon the other New England states to send delegates to a convention at Hartford for the purpose of considering "their public grievances and concerns." Delegates from Connecticut and Rhode Island met with those from Massachusetts in secret session on December 15. Unofficial delegates came from New Hampshire and Vermont.

*The  
Hartford  
Convention*

The moderates were able to gain control, and after three weeks of deliberation issued a report in which Madison's administration was severely arraigned. Part of the document consisted of quotations from Madison's own Virginia Resolutions of 1798. Like a boomerang it came back to the well-nigh distracted President. Would New England put her thoughts into action? That the radicals favored secession is clear, but the moderates preferred to rest their case with resolutions and a demand for several amendments to the Constitution. However, there was a threat of secession in the promise of a second convention providing their demands were ignored.

Harrison Gray Otis and two others constituted a committee to

present the Hartford report to the Federal Government. Three black crows preceded their coach into Philadelphia. "These are ill omened birds," observed Otis, "and . . . when augury was in fashion would have been considered sad precursors of three Ambassadors." And so they were! The news of Jackson's victory at New Orleans, together with the treaty of peace, made their mission ridiculous. Otis returned to his seat in the Massachusetts legislature in time to vote for a resolution giving the Lord exclusive credit for the victory at New Orleans.

*The peace  
movement*

The peace movement began with the opening of war. Eight days after the declaration Jonathan Russell, *chargé d'affaires* in London, was directed to accept an armistice provided Britain would withdraw the Orders in Council and abandon impressment. Although the Orders had been withdrawn, Castlereagh would make no concessions respecting impressment. The British, for their part, instructed Admiral Warren, sailing for American waters, to propose an armistice. Both overtures failed, though peace might well have been attained in the summer of 1812 had it not been for the Western war spirit.

*Russia  
offers  
mediation*

In September 1812 the Tsar of Russia offered mediation. Having become an ally of England, Russia found it inconvenient for America to be on the other side. Madison accepted the offer and appointed Gallatin and James Bayard to serve with John Quincy Adams, Minister at St. Petersburg, as peace commissioners. Castlereagh, however, rejected the offer. His government would make no concessions concerning impressment and other ocean practices, respecting which Russia and the United States entertained the same views, and therefore was unwilling to meet the Americans supported by Russia. In November 1813, however, Castlereagh offered to negotiate directly with the United States. Madison accepted immediately, naming Henry Clay and Jonathan Russell to join the three previously appointed. By early July 1814 all five Americans were in Ghent, but the British commissioners kept them waiting a month. England was in no hurry for peace. The European war was over, Napoleon was in Elba, and the British would like to see what Wellington's veterans could do in America before signing a treaty.

The opening of negotiations (August 8, 1814) was between

commissioners of striking disparity in ability. The Englishmen (Adams, Gambier, and Goulburn), although competent enough in their special fields of activity, were mediocrities in diplomacy. After all, Britain would dictate the terms! Moreover, she was sending her best men to Vienna. The very strength of the Americans threatened to be a handicap. They lodged in the same residence, and after a few months began to get on one another's nerves. All Gallatin's tact as a peacemaker was necessary to prevent explosive friction. Clay and Adams, especially, were at loggerheads. Adams was a prize exhibit of New England Puritanism. He was honest and conscientious to a painful degree, and so labored to conserve each minute. He arose regularly at five o'clock because he could never find enough time for all his writing. For one thing, he kept a detailed diary (a gold mine for historians) so that posterity might know how great he was. If Adams was stubborn and contentious, the "Cock of Kentucky" never ran from a fight. Moreover, Clay was extremely convivial: his card parties sometimes broke up only as Adams started the new day's work. The contributions of Bayard and Russell were not always oil for the troubled waters.

*Peace  
commissioners at  
Ghent*

American instructions, demanding British renunciation of various practices on the ocean, emphasized the abolition of impressment as the prime condition of peace. Furthermore, if possible, all Canada should be secured! The British, on the other hand, would make no concessions respecting impressment and maritime grievances. Moreover, they must have territory in Maine, complete control of the Lakes, and a great share of the Northwest Territory for an Indian buffer state. When Gallatin asked what was to become of the hundred thousand Americans living in the region, Goulburn replied that he was sure the Indians would treat the white men well because he once knew an Indian who was very intelligent! On this point the practiced diplomat, John Quincy Adams, thought the negotiations would break up. But the novice, Clay, partly through years of training at poker, was a keener judge of human nature and mental processes than Adams. He thought the British were bluffing, and that they were really eager for peace. He proved to be right. Affairs were not moving smoothly at Vienna; the English people were thoroughly tired of

*American  
demands*

*The  
British  
ultimatum*

war, and merchants wished to reestablish American trade. Then, in due time, the news of Prevost's defeat on Lake Champlain and the repulse and death of Ross at Baltimore suggested the continuation of a war which would be extremely awkward if fighting should be resumed in Europe. On top of this, Wellington advised his government that, in view of American control of the Great Lakes, Britain had no right to demand territory.

*The treaty  
of peace*

From time to time British instructions were changed, and with rare skill the Americans took advantage of the discomfiture of their opponents, though not without wrangles of their own. Adams, representing ancient interests of New England, could not conceive of happiness without inshore fishing privileges in Newfoundland. On the contrary, he was not greatly interested in British navigation of the Mississippi. Clay did not care about the fisheries—in fact, because of her conduct in the war, he thought New England deserved to lose them—but was mightily concerned about the Mississippi. Any treaty giving Britain the right to navigate the river, he said, would be a “damned bad treaty.” The British refused to make concessions on the one unless guaranteed the enjoyment of the other; so in the end both were dropped, as indeed was every grievance which helped produce the war, and nearly all problems growing out of it. Fortunately, a peace without victory terminated an unnecessary and well-nigh futile war.<sup>1</sup> The treaty, on the basis of the *status quo ante bellum*, was signed on Christmas Eve 1814; and on the next day the commissioners dined together on roast beef and plum pudding brought from England. John Quincy Adams gave the last toast: “Ghent, the city of peace; may the temple of Janus, here closed, not be opened again for a century!”

Was the war fought in vain? Certainly the United States secured nothing for which she went to war. No redress of grievances was secured, nor was a foot of territory obtained. The treaty contained no reference to impressment, “free ships free goods,” the Rule of 1756, or paper blockades. However, these disputed points

<sup>1</sup> The treaty provided for the mutual restoration of all territory and possessions taken during the war or after the signing of the treaty; restoration of prisoners of war and of Negroes (or compensation) taken by the British. In addition, four boundary articles provided for the settlement of different boundary questions. The treaty was unanimously approved by the Senate, February 15, 1815.

in international law disappeared automatically with the end of hostilities, and caused little further trouble for the United States for a century.

In the light of the outcome it might be contended that those Americans who favored fighting Napoleon showed the greater wisdom; for with America on the side of Great Britain, Napoleon must have been defeated the earlier, and the cause for maritime grievance similarly removed. It is not without significance that Russia, with interests similar to those of the United States, fought against the French.

One positive advantage resulting from the war was the breaking of Indian power east of the Mississippi. The red men were allied with Britain, but they failed to receive the long-hoped-for Indian state which the English had dangled before their eyes. So ended permanently the alliance that had caused so much trouble for Americans. More important were some results of an intangible nature. The performance of American seamen was a revelation to the British and produced a feeling of respect that had not obtained before. In fact, among military men and diplomats generally mutual respect was greatly enhanced. Thereafter, America was not snubbed as a member of the family of nations. Unfortunately, this happy result did not carry over to the masses. In both countries increased bad feeling left its impression for a generation.

*Results  
of the war*

Most important of all was the great stimulus given the spirit of nationality. The outcome of the war produced a wave of pride in being American that was to grow until the Union was able to prevail when the great test was made a half-century later.



## Chapter Twenty-Five

### AMERICA IN TRANSITION: THE NEW NATIONALISM

*1815 a turning point*

THE YEAR 1815 was a turning point in both European and American history. Before 1812, in spite of three decades of political independence, commercial ties with the Old World remained so strong that the United States was finally drawn into the European war. After Ghent and Vienna all was changed. War-weary European statesmen put Napoleon in a safe place and turned to the problems of rehabilitation, crushing meanwhile such democratic uprisings as appeared to threaten the established order. With a profound sense of relief Americans cut loose from European entanglements and for the first time in history found themselves free to work upon their own domestic problems without constant threat of foreign complications.

On the ocean, ships and seamen might sail without fear of capture or impressment. In the Northwest the danger of British support of Indians was finally removed, and new lands awaited the westward-moving settler. The prospect was that of fruitful peace. So America turned her back to the Atlantic, and faced westward; turned from Napoleonic decrees, British blockades, and armies to the development of her resources; turned to problems of currency and banking, public lands, and the extension of slavery; and to the fostering of economic independence by protective tariffs and the building of internal improvements.

*A period of transition*

During the ensuing fifteen years, until the inauguration of Andrew Jackson marked the beginning of a new era, the United States experienced one of the most outstanding periods of transition in her history—a period characterized by the beginning of a revolution in transportation, a rapid development of the factory system, the spread of cotton culture transforming the activities

of the South, a remarkable westward movement, and a proclamation to the world (Monroe Doctrine) of the dominant position of the United States in the Western Hemisphere.

One of the most striking manifestations of American spirit in 1815 was a patriotic surge of nationalism which for a few brief years pushed political and sectional differences into the background. This new spirit was revealed by the acceptance, on the part of the Republicans, of early Federalist nationalism, thereby scuttling what was left of the Federalist party organization and producing the "era of good feelings," as contemporaries called it. It was displayed also in congressional legislation, in Supreme Court decisions, and in widespread provincialism.

*A pattern of  
nationalism*

Never in American history was provincialism so prevalent, or noted so commonly by the European travelers who came to enjoy their superiority while "looking over" their backwoods cousins. By 1815 the divergence between Americans and Europeans had become so clear as to receive frequent comment. Manifestly a new American type was in the making. The explanation for this change is to be found in the breaking of ties between the Old and New Worlds and in the influence of frontier conditions. Throughout the colonial period many Americans, especially of the planter class, regarded themselves as Englishmen resident in America and maintained cultural contacts through the schooling of sons in England and through the purchases of the same luxuries which Britons enjoyed. Moreover, immigration had helped to keep alive contacts with European culture. From the time of the French and Indian War, however, immigration had declined. During the Revolutionary War, and from 1793 until 1815, it almost ceased. So for a few years after 1815 the United States was more truly American in ancestry than ever before or since, and the dominant influence in shaping distinctive traits in the major portion of the population was the frontier.

*Popular  
traits*

In the West of any period every man was potentially as influential as any other, and everyone was measured by his worth rather than by his social connections. There democracy was real; moreover by 1805 it had permeated the country to the extent that foreign observers were much impressed with the prevailing disposition of Americans to flaunt their equality in crudeness of

*Democracy*

habits and in blatant patriotism. Whether for good or ill, the day was not far distant when the people, jealous of their "superiors," would do homage to mediocrity, to the dismay of all who believed that only the favored few are qualified to rule.

*Optimism* Not all America was crude by any means. Many residents of old centers, like Boston, New York, Philadelphia, and Charleston, as well as a goodly portion of the landholders of plantation areas, had shown for many years a cultural development that would compare favorably with that of Europe; but much of settled America was either frontier or else so little removed from frontier conditions as still to bear the strong impress of hardships and ways of living which the frontier enforced. So if the average American seemed to be mightily bent upon getting his share of the wealth which a new country had to offer to the energetic, and consequently had little time or inclination left for the cultivation of the social graces, it should be remembered that he was engaged in the hard task of conquering the wilderness. When the work was done, and the means for independent living acquired, there would be time for the amenities of polite social intercourse. In the meantime Americans boastfully compared the future greatness of their country with the already declining countries of Europe. Even if somewhat on the defensive, as the bragging tone indicates, Americans were proud of their experiment in self-government; and optimism was the prevailing note in a land where equality invited every man to become a lord of creation.

*Nationalism in Congress* In Congress, Republicans and Federalists joined hands in carrying out a program of nationalistic legislation. Since 1801 Jefferson and most of his followers had been undergoing a process of nationalization which would have done credit to Washington or Adams. Indeed, according to Josiah Quincy, the Republicans had "out-Federalized Federalism." Prominent younger Republicans, like Calhoun and Clay, did not feel bound by the old tenets of Jeffersonianism and so responded more readily to changing ideas. John Randolph was the lonely and erratic mouthpiece of the few Republicans who clung unchangeably to the doctrines of 1798. During the same period New England Federalists, unable to control the administration and its policies, had swung to localism and states rights, threatening secession on more than one occasion.

However, the ridicule which attended the dissolution of their last fling (the Hartford Convention, definitely allayed the secessionist movement for the time being at least. Not for several years did South Carolina head a movement that finally rent the Union.

Thus the way was opened for the enactment of the legislation which a self-conscious nationalism dictated. President Madison took the lead, and on the same day that he transmitted the Treaty of Ghent to the Senate he warned against too great a reduction of national defenses. The memory of a wild flight into the woods of Virginia, because untrained militia ignominiously fled before the British, was still fresh. The Secretary of War, Monroe, urged the retention of a peacetime army of 20,000 which, at the usual cost per soldier, would entail an expenditure of over \$5,000,000 per year. The recommendation, however, was too strong for several Republicans who could not overcome their old fears, born of pre-Revolutionary experiences with British redcoats, of a standing army which might jeopardize the liberties of the people and perhaps enable a President to make himself dictator. With the support of the Federalists they pared down the number to 10,000. On the other hand, the experiences of the war had produced such enthusiasm for the navy, and had shown so clearly the need of a stronger one, that Congress quickly provided for its enlargement. A year later (April 1816) the expenditure of \$1,000,000 a year for eight years was authorized. Even West Point was not overlooked, receiving a bit of the largess that was flowing toward the establishment of a respectable peacetime defense footing.

*Providing for  
national  
defense*

The major portion of the nationalist program was left for the Fourteenth Congress which met in December 1815. Few, if any, Congresses in American history have contained so many talented men. Because elections in most of the states had been held in the gloomy days of the last year of the war, the Federalists had regained a considerable number of seats. In both houses they controlled more than a third of the total; and with leaders like Webster, Rufus King, Robert Harper, Pickering, and Jeremiah Mason they could hold their own in a Congress that prided itself on its intellectuality and independence of judgment. The Republicans could count Clay, Calhoun, Lowndes, Macon, Randolph, Porter, R. M. Johnson, and William Pinkney. The younger men

*Leaders in  
Congress*

were in control, and with great energy they tackled the problem of setting the national household in order.

*Problem of  
the currency*

Madison again pointed the way by recommending legislation respecting national defense, internal improvements, protection for manufacturers, and the establishment of a national university. He suggested, too, that the question of a national bank might "merit consideration." Congress considered the most pressing question to be that of the currency. Alexander Dallas, Secretary of the Treasury, supported by the President, recommended a new United States Bank, and Congress settled down to debate the proposition.

*Unsound  
banking*

Since 1811, when the Republicans complacently had allowed the First United States Bank to die, the general state of the currency had become so bad that even several of the strongest opponents of the bank had come to realize the urgent necessity of establishing some sort of a strong financial institution to end the chaotic conditions that obtained everywhere outside New England. During the war, when the government had special need of an efficient financial agent such as the United States Bank had been, the Treasury was greatly handicapped, at times even bankrupt.<sup>1</sup> At one time the State Department could not pay its stationery bill! In the country at large the years had witnessed an increase of state banks from 88 in 1811 to 246 in 1816. Most of these were busily issuing as many bank notes as the inclinations of their directors dictated, for in Massachusetts alone was there a banking law worthy of the name.

In the West, especially, people were currency-hungry and eagerly seized upon the available bank notes, which often remained in circulation until worn out. Bankers, therefore, took advantage of the demand by issuing notes in amounts far exceeding the margin of safety in coin reserves kept on hand for redemption. In five years' time the volume of about \$50,000,000 was more than doubled, and that on a specie basis of about \$15,000,000. Truly

<sup>1</sup> The direct loss of over \$6,000,000 through the sale of bonds below par might not have been avoided except in part; but a strong bank might have prevented an indirect loss of about \$30,000,000 resulting from selling for paper, much of which had depreciated from twenty to thirty per cent. The condition of the Treasury was made much worse because it was forced to receive payment of dues in all sorts of state bank notes and treasury notes of various degrees of depreciation.

magnificent inflation! The United States Bank, because of its great strength and business practices, had been able to act as a restraining influence upon state banks; but after 1811 there was little left except the judgment of the operators themselves. It was inevitable that the Federal Government and the nation should suffer from such banking.

Because the ports of New England were not blockaded until the last year of the war, the commercial and manufacturing activities of that section drained away much of the specie from the other sections, thus badly dislocating finance. The collapse came with the British raids on the Chesapeake and the burning of Washington. Every bank outside New England suspended specie payments, and the crowning splurge in irresponsible banking occurred. Only paper remained in circulation in most of the country, and the major portion of that declined in value. The farther it circulated from the bank of issue, the greater the discount. The result was such confusion and loss in business—a condition that was greatly aggravated by much counterfeiting—as to be thoroughly disheartening. Direct losses to the Federal Government, as a consequence of the suspension of specie payments, were at least \$5,000,000. Such conditions were enough to convince most Republicans of the imperative necessity of following the financial course charted by Hamilton, or of making terms with the bankers of New England in order to save the national treasury. With some humiliation they chose the former. On the recommendation of Dallas, Congress passed a bank bill in 1815, but it met a presidential veto, though not on constitutional grounds. There was not yet a meeting of minds as to the form of bank which should be established.

*Effect of war  
on banking*

The final and successful measure was framed by a committee headed by Calhoun, who introduced the bill into the House (January 8, 1816) and was its leading champion in the debates which followed. Clay, too, took a lively part in the discussions, descending from the speaker's chair to explain why he had reversed his position from that of 1811 when he had helped the first United States Bank terminate its career. In thus executing an about-face, Clay, like others in his position, was not only cheerfully recognizing the necessity for such action but was giving expression to the

*The Second  
Bank of the  
United States*

spirit of nationality which had sprung from experiences of the war. The strongest debater against the bill was Webster. Not on constitutional grounds did he object, but because he thought such a bank was unnecessary and might become dangerous. New England had not suffered from wild banking. This triumvirate—representing the South, the West, and New England—was to engage in many a national contest before its ranks were broken in 1850. Among the other opponents of the measure were Randolph and John Taylor—two of the few unchanging Republicans. In fine form Randolph paid his respects to the friends of the bank, declaring that “a man might as well go to Constantinople to preach Christianity as to get up here and preach against banks.” Opposition was futile. The measure passed the House in March; the Senate speedily concurred, and on April 10 it received the President’s signature. In 1791 Madison had led Congress in the fight on constitutional grounds against Hamilton’s bank. Times and ideas had changed.

The Second Bank of the United States was modeled closely after the First,<sup>1</sup> but was designed to be more directly under the control of the government as well as less monopolistic. In order that the shares might be held widely, the par value was fixed at \$100 instead of four times that amount as in the case of its predecessor. Actually, 31,334 individuals subscribed to stock, all but 3000 of them being residents of the Middle states. New England was not disposed to play ball. Her entire subscription was only approximately one-ninth of the total.

The work of organization having been completed, the bank was opened for business in January 1817, and within a few months thereafter nineteen branches in various states were also in operation. Until 1819 the bank was badly mismanaged, but it exercised, nevertheless, a strong influence toward stabilizing the currency.

<sup>1</sup> The bank was chartered for twenty years, with a capitalization of \$35,000,000, one-fifth of which was to be subscribed by the national government. The Federal Government should appoint one-fifth of the twenty-five directors who should manage the bank. Branch banks might be established in the several states. Property of the bank was exempt from taxation.

The bank was to receive deposits of the government without interest payments, and was to transfer government monies from place to place without charge. Its notes, convertible into specie, might be issued to the full amount of its capital. For its privileges the bank must pay to the government a bonus of \$1,500,000.

Another measure that worked effectively to the same end was a congressional resolution requiring all government dues to be collected in gold or silver, or their equivalent, after February 20, 1817. The result was the resumption of specie payments not only by the government but by all banks as well.

The same spirit of nationalism that led Republicans to favor and establish a national bank was responsible for the enactment of the first protective tariff in American history. The time was propitious. American pride had been touched by years of dependence upon British smuggled goods. manufacturers were demanding protection lest they be driven to the wall by the wave of renewed British peacetime exports, and there was a strong feeling that America should be economically independent.

Since 1789, when the first tariff law was enacted, duties had been amended upward to a level of approximately twelve and one-half per cent by 1812. During the war duties were doubled, with the understanding that the excess would be removed a year after the close of the war. The first result of peace was a great stimulation of foreign commerce: Europe was demanding American products which had been largely cut off by the war. The South profited most from this trade through its great shipments of cotton, tobacco, and rice—articles which represented nearly two-thirds of the total exports of the United States. Exports of wheat and corn meant prosperity for the Middle states, too. But New England, producing little that Europe demanded, faced ruin; for Europe could supply her own needs in shipping as well as manufacturing. Foreign vessels appeared in American harbors in large numbers with the return of peace, greatly reducing ocean freight rates. Soon the new Anglo-American commercial treaty (June 1815) providing for trade reciprocity between the United States and the British Isles aggravated New England's difficulties because her ships were actually placed at a disadvantage in competition with the British. For Britain was not relaxing her colonial system: American vessels were still excluded from the West Indies. This meant that British vessels could offer lower freight rates than their American rivals, for they commanded a triangular trade from which Americans were excluded. Bad as was the situation facing the shipping and commercial interests, the full effect was not felt for several years.

*The tariff  
issue*

*Effect of  
peace on  
trade and  
manufactures*



Manufacturers, on the other hand, felt the effect almost immediately. Indeed, when the war duties should be removed, they were standing to be swamped by commodities which British merchants were willing to dump in American ports for sale at very low prices and with liberal extension of credit, or even at auction to the highest bidder. The British were determined not only to recover their lost markets, but to "stifle in the cradle" American competition. Losses sustained in so doing could be recouped later.

*Growing  
demand for  
protection*

In the face of such competition the manufacturing that had been stimulated by the interdiction of British imports since the embargo of 1807 would be doomed unless the government came to its aid. Nor was New England alone in demanding help. Pennsylvania, with a fairly well-developed iron industry, and the Carolinas and Kentucky with their factory beginnings, were likewise crying for help. The home-market argument extended even to the growers of grain in the Middle states, whose surplus was shut out by British corn laws, and to the sheep growers of Ohio, New York, and Vermont, who wanted buyers for their wool. Converts for protection were won rapidly. Even Jefferson, who had been so firmly opposed to Hamilton's plan for building up manufacturing, could write, "We must now place the manufacturer by the side of the agriculturalist." The reason for his reversal was that he would make the United States economically independent of foreign nations.

*The Tariff  
Act of 1816*

Calhoun and Clay, the most outstanding nationalists in Congress, took the lead in pushing the tariff bill introduced in March 1816 by Lowndes of South Carolina. In view of Calhoun's subsequent strong opposition to the protective tariff principle, his support of such a measure in 1816 is the more striking. He and the other Southerners who pushed the bill apparently had but little selfish interest in it. Although they were rather optimistic about the possibility of industrialization in the South, they represented a dominantly agricultural region which at that time had little to expect from protection. However, they were willing to make sacrifices if necessary in order to be independent of Europe. John Randolph fought the measure, contending that manufacturing could not be developed on the basis of slave labor. Clay's earnest advocacy of the protective tariff as a feature of the "Ameri-

can System," as a combination of protection for industry and internal improvements soon came to be called, remained a cardinal policy with the great Kentuckian to the end of his public career. Webster, representing the commercial element of New England, argued brilliantly against the measure. He pictured the evils of the factory system as sufficient reason for discouraging the spread of manufacturing. Like Calhoun, he was destined to undergo a change of mind within a few years.

Although New England gave more votes for the bill than against it, while the reverse was true for the South, the voting by states clearly shows the lack of sectionalism attending the passage of the measure. The new law continued the wartime rates with modifications, and was intended to be temporary only.<sup>2</sup> However, the taste of protection proved so enticing to those who enjoyed its benefits that a demand for still more was almost immediately raised. The tariff was soon to become a bitter sectional issue.

In the thinking of Southern and Western nationalists, internal improvements were a necessary complement to the protective tariff. The growing West, advertised by war activities, was stimulating an enormous migration in the years following the war. Surely, thought these nationalists, an "American System" must provide roads in order to bind the West more closely to the East and stimulate the growth of the home market. What protection would mean to the East, roads and canals would mean to the West. Moreover, roads would make easier the movement of national troops—a lesson dearly learned during the war—increase the value of public lands, and variously benefit the nation. But the construction of the necessary "bonds of unity" into the West was too expensive to be undertaken by most states without governmental assistance. The national government, therefore, should aid if not actually construct such roads.

*Problem of  
transportation*

It was not a new idea. Serious attention was first attracted to

<sup>2</sup> The act, which became effective April 27, 1816, placed a duty of 25% on woolen and cotton goods, but no cotton cloth was to be rated at less than 25 cents per yard. This principle of "minimum valuation" meant that with the decline in cotton prices the tariff operated to increase protection on coarse goods, thereby giving New England a monopoly of the entire home market. Many other articles were made dutiable, but the amount of protection was hardly sufficient to do other than whet the appetite for more. Actually, American exports in 1816 were valued at only \$64,700,000, whereas imports amounted to more than \$150,000,000.

it in Jefferson's first administration. At that time revenues were abundant, and the national debt was being reduced. With an accumulating treasury surplus, the President recommended an amendment to the Constitution expressly conferring power upon Congress to spend federal revenues derived from taxation upon roads and canals. Nothing came of the proposal. Two years later (1808), in response to a Senate resolution, Gallatin reported an elaborate plan for internal improvements, calling for the outlay of \$2,000,000 per year for a decade. The effect of Jefferson's foreign economic policy (notably the Embargo Act), and eventual war, produced a deficit. Thus the scheme was indefinitely postponed. However, in the meantime, steps had been taken toward building the Cumberland Road.

*The Cumberland and Road* With the admission of Ohio (1803) a fund was created from the receipts of public land sales within the state for the building of a road to connect the state with the East. In 1806 Jefferson was authorized to conduct surveys and after various difficulties were surmounted the location of the road was determined. In 1811 construction began. War intervened to disrupt operations, but at its close the work continued to final completion in 1818. As fast as a section was finished it went into heavy use. When the western end was opened, the eastern end was worn out—eloquent testimony to the great demand for an easier way of connecting the Ohio with the East. The road with its teeming freight wagons and its expedited passenger and mail service—making possible the covering of the distance from Washington to Wheeling in the breathtaking minimum of thirty hours—was a symbol of nationalism that was intoxicating to those who dreamed of a greater America. Calhoun, in February 1817, voiced the feelings of most of the Republican leaders in Congress when he exclaimed: "We are greatly and rapidly—I was about to say fearfully—growing. This is our pride and our danger, our weakness and our strength. . . . Let us, then, bind the Republic together with a perfect system of roads and canals."<sup>1</sup>

Madison, in his last message to Congress, December 1816, asked

<sup>1</sup> Viewed in the light of Calhoun's later career, another portion of the same speech is of great interest. Said he: "Let it not be forgotten, let it forever be kept in mind, that the extent of our Republic exposes us to the greatest of all calamities, next to the loss of liberty, and even to that in its consequences,—disunion."

that body to consider the expediency of exercising its powers "in order to effectuate a comprehensive system of roads and canals" for the purpose of drawing every part of the country more closely together. Although he favored internal improvements he believed an amendment to the Constitution necessary for their authorization. Calhoun, who considered the "common defense and general welfare" clause quite sufficient, soon reported a bill providing for the setting aside of the bank bonus of \$1,500,000, together with future dividends on bank stock held by the Federal Government, "as a fund for constructing roads and canals." Support for the bill came chiefly from the Middle and Western states, and passage was by a rather close margin. Several old Republicans found the measure a too-severe test of their nationalism.

*The Bonus  
Bill*

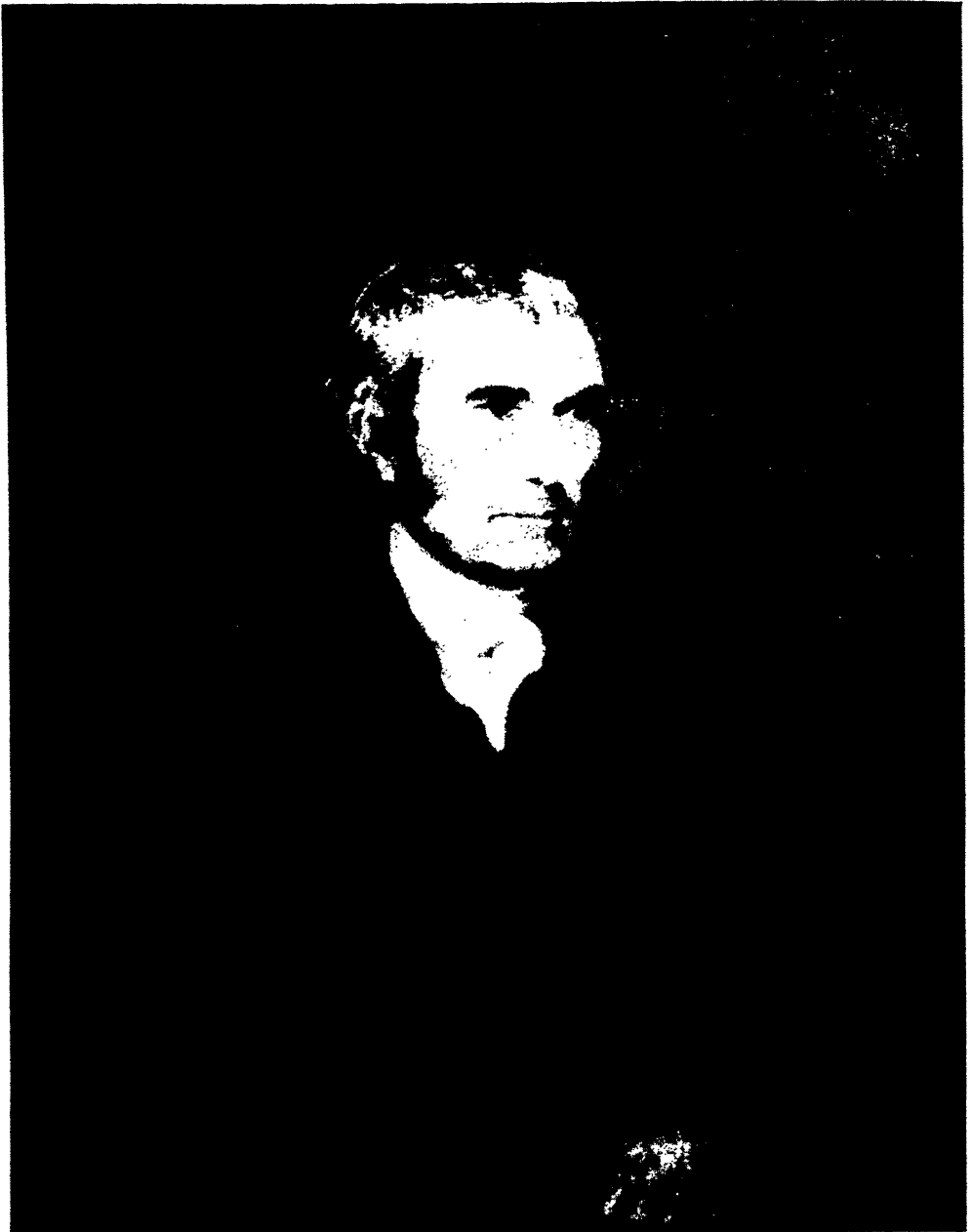
On March 3, Madison returned the measure with his veto: he could not overcome his constitutional scruples. The centralizing tendencies following the war had received the first definite check. In Congress, the reappearance of sectional lines had become so pronounced that passage over the veto was impossible. On the next day James Monroe succeeded to the presidency; but the constitutional obstacle remained almost to the end of his eight-years' administration before he "saw the light." Internal improvements at national expense would have to wait for the further unfolding of Clay's "American System."

In the meantime the Supreme Court, under the dominating influence of John Marshall, was busily writing nationalism into constitutional law. Its contributions were destined to be of greater permanent significance than the nationalizing legislation of Congress. The Court did not come to enjoy a position of honor and prestige as a coordinate branch of the Federal Government until Marshall had been Chief Justice for about a decade. John Jay had considered the governorship of New York a greater honor than the highest position on the Court. Patrick Henry would not accept an offer of the Chief Justiceship, and Jay declined the position in January 1801 after the Senate had confirmed his reappointment. It was then that Marshall accepted the post.

*The Supreme  
Court and  
nationalism*

The new Chief Justice was too independent in his thinking to be popular among Federalists, and he was anathema to Republicans. In the course of time the Republicans secured a majority on the

*John  
Marshall*



JOHN MARSHALL. PAINTED BY ROBERT M. SULLY

*From the permanent collection of the Corcoran Gallery of Art, Washington, D. C.*

Court, but Marshall won them over to his nationalist viewpoint by his intellectual powers and kindly nature. For example, Justice Joseph Story, next to Marshall the ablest jurist of his day, became his devoted follower. Jefferson complained about the difficulty of finding a man "of firmness enough to preserve his independence on the same bench with Marshall." Until 1827 the one term of court each year rarely exceeded seven or eight weeks. The justices, therefore, did not take up residence in Washington but lived in boarding houses, sometimes all in the same one. In the congenial informality thus afforded, Marshall's influence shone. Not until 1835 did his benevolent rule end. No other Chief Justice has served so long, or exerted such profound influence upon constitutional law.

Marshall's rise to prominence illustrates the opportunities which America held forth to the strong and courageous. Born in a log cabin on the frontier, the oldest of fifteen children, life was strenuous. But the parents were of uncommon character, and to match his splendid intellectual endowment young Marshall developed a strong body by outdoor living. The news of Lexington and Concord found the youthful revolutionist ready for action. Soon Lieutenant Marshall was displaying his ability to jump higher and run faster than any other of his company. "Silver Heels" advanced to a captaincy before he was mustered out of service in 1781. The experiences of war, including the rigors of Valley Forge, made him a nationalist in his thinking. In this he never changed.

In 1780 he found time to begin a romance with Mary Ambler, which endured to the end, and, for about six weeks, to attend the law lectures of George Wythe at the College of William and Mary. He was admitted to Phi Beta Kappa in May of that year, and to the bar in August. Soon his reputation as a lawyer was established, and there was leisure for politics. In a short time he was elected to the state assembly, was married, and established his residence in Richmond.<sup>1</sup> His public service, preceding membership on the Supreme Court, included eight terms in the Virginia Assembly, membership in the Virginia ratifying convention (where he did yeoman service upholding the Constitution), a diplomatic mission

<sup>1</sup> Mrs. Marshall became an invalid soon after their marriage, but Marshall's affection grew throughout the years. She died in 1831. A year later Judge Story wrote of Marshall, "I think he is the most extraordinary man I ever saw, for the depth and tenderness of his feelings." To this day, Marshall's respect and reverence for women is a tradition in Richmond.

to France in 1797, a term in Congress (made possible through the support of Patrick Henry), and a short period as Secretary of State under Adams.<sup>1</sup>

*Marshall's  
position and  
purpose*

Judge Marshall took his seat on February 4, 1801, and opened the Court for its first session in Washington; but not until 1803, in the famous case of *Marbury vs. Madison*, did he have occasion to lock horns with the Republicans. Subsequently, until after the close of the War of 1812, the Court was called upon to decide only a few cases involving highly controversial issues; consequently its position became more secure. Then too the war gave localism a temporary setback and ruined the Federalist party, thus removing the stigma of partisanship at a time when the idea of union was becoming more clearly identified with the Court. It was at the close of the war that Marshall was just entering the period of his greatest fame as an expounder of nationalism. He had great respect for the framers of the Constitution, whose intentions he was confident that he knew, and which he was resolved to carry out to the end that neither states rights nor an excess of democracy might wreck the Union which the Founding Fathers strove to establish.

*Great  
decisions  
after 1809*

After 1809 Marshall's great decisions were in cases involving the fundamental question of the ultimate authority as between national and state governments—a question that was finally settled on the battlefields of the Civil War. The problem of the Court was the more difficult because the surge of nationalism produced by the War of 1812 was of short duration, the current of public opinion soon turning strongly against the purposes of the Constitution. Specifically, these great decisions resulted from the exercise of power by state legislatures, and may be grouped conveniently under two heads: those representing conflict between nationalism and states rights, and those representing, in addition, the sanctity of contracts.<sup>2</sup>

<sup>1</sup> Marshall retained his position as Secretary of State to the end of Adams' administration, but did not accept a salary for his services.

<sup>2</sup> The Supreme Court handed down 1106 opinions during Marshall's thirty-four years as a member. Of these Marshall wrote 519. His opinions were clear and direct, unencumbered by the many citations which make present-day decisions so technical. His style was simple and convincing.

The court in Marshall's day was leisurely in its procedure. When the case of *Fletcher vs. Peck* was being heard, an adjournment was taken in order that Luther Martin, one of the attorneys, might have time to sober up.

The first important case in the second class (*Fletcher vs. Peck*, 1810) grew out of the Yazoo land-company frauds. Because of attendant corruption, a legislature of Georgia repudiated land sales made by its predecessor. After Georgia surrendered her western lands to the Federal Government, Robert Fletcher, an aggrieved purchaser of some of this land from John Peck, brought suit in the federal courts for the recovery of payments made. Marshall, speaking for the Court, held that the original sale of land by Georgia constituted a contract, and, therefore, that the state had violated the clause of the Federal Constitution which forbids a state to enact a law "impairing the obligation of a contract." The people who had placed officials in a position of responsibility must abide by the acts of their representatives. The decision was of still greater significance because it was the first clear-cut case in which the Supreme Court held an act of a state legislature to be unconstitutional. Thus the doctrine of states rights received a heavy blow.

The second great case of the same type (*Dartmouth College vs. Woodward*, 1819) resulted from the attempt of the Republican legislature of New Hampshire to gain control over conservative Dartmouth College by annulling her charter. The college was a private institution, founded under a charter granted by George III, and strongly resisted the attempt to place it under political control. Engaging as counsel her most famous son, Daniel Webster, the college trustees carried their case to the Supreme Court. There Webster fought a battle for his *alma mater*, the importance of which makes all the gridiron frays of later generations pale into insignificance. The Chief Justice may have been influenced unduly by the "pathos" of the brilliant attorney; but, whether for good or ill, the Court held that a charter is a contract and that the obligation of the contract in this case was transferred to the state on becoming independent of England. The reasoning from this point followed that in *Fletcher vs. Peck*. Establishing a precedent in cases arising under acts of incorporation, the decision proved a bulwark for "big business" of later days which was only gradually removed by decisions upholding state legislatures in their efforts toward modifying charters through the exercise of the police power. On the other hand, the decision gave pro-

*Dartmouth  
College  
vs.  
Woodward*



tection from political control to private schools and charitable institutions. So most of the colleges of the day, together with a host of denominational colleges yet to be born, were free to direct their destinies.

*Decisions  
involving  
states rights*

Among the most important of the Court's decisions belonging to the first category suggested above, were *Martin vs. Hunter's Lessee*, 1816, *McCulloch vs. Maryland*, 1819, *Cohen vs. Virginia*, 1821, and *Gibbons vs. Ogden*, 1824. Marshall wrote the opinion of the Court for all except the first. Acting under the authority granted by section 25 of the Judiciary Act of 1789, the Court (*Martin vs. Hunter's Lessee*) accepted an appeal from the Virginia Court of Appeals and reversed its decision on the ground that it was in conflict with rights granted by the Constitution. In *Cohen vs. Virginia*, a case in which the same section was involved, Marshall took the same position even though the effect was a partial nullification of the Eleventh Amendment.<sup>1</sup> In these cases Marshall was asserting the supremacy of the federal over the state judiciary; and, more significantly, was boldly brushing aside the notion of states rights.

*McCulloch  
vs. Maryland*

In the busy year of 1819 Marshall delivered (*McCulloch vs. Maryland*) his most famous decision. It was his first opportunity to elaborate the principles of his nationalistic creed. The occasion was timely, for this was the year, also, in which the conflict over the admission of Missouri first came to a head. The wave of nationalism which had caused young Republicans to ride lightly over the constitutionality of the bank when it was chartered was receding rapidly before states rights and sectionalism. Slaveholders realized that the greatest security for slavery lay in the powers of the states, while the greatest danger lay in those of the national government. The two sides of the case were represented by able counsel. Webster, William Pinkney, and William Wirt represented the Bank, and Luther Martin and others the state. Pinkney made the chief argument in behalf of the Bank.

The history of the Bank had not been pleasant. Through its

<sup>1</sup> Congress had established a lottery for the District of Columbia. The Cohens sold tickets in Virginia in violation of a state law, and were convicted and fined \$100 in Virginia. The Cohens appealed.

coercive powers it had made many enemies in the South and West. Several states, including Maryland, therefore attempted to exclude its branches by heavy taxation.<sup>1</sup> The state Court of Appeals sustained Maryland, then on appeal the case was brought before the Supreme Court. Three days after Pinkney closed his argument Marshall handed down the unanimous opinion of the Court.

*Unpopularity  
of the Bank*

The immediate question involved was the right of a state to tax the notes issued by a branch of the United States Bank. But this raised other questions. Did Congress have the constitutional right to charter a bank? Did the Bank have the right to establish branches in the states? The greatest issue, therefore, was the question of sovereignty. Was the Constitution "an act of sovereign and independent states," or did it come from the people? The counsel for Maryland followed the states-rights argument laid down by Jefferson in the Kentucky Resolutions. Marshall swept it aside with a well-reasoned defense of the sovereignty of the people, concluding with the ringing words: "The government of the Union, then, is emphatically and truly a government of the people. In form and substance it emanates from them. Its powers are granted by them, and are to be exercised on them, and for their benefit."

*Questions  
involved*

Did Congress have the right to establish a bank? Marshall followed closely the arguments of Hamilton in defense of the first United States Bank in 1791, just as the counsel for Maryland followed the arguments of Jefferson at that time. The elastic clause of the Constitution was enough for Marshall. "Let the end be legitimate," he reasoned, "let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." The Constitution did not prohibit the creation of a bank—an institution of great value to the nation—therefore the Court must uphold its establishment. Marshall was giving classic expression to the doctrine of implied powers. Granting the constitutionality of the Bank, might a state tax it? Marshall held that instrumentalities of the national government were never subject to taxation;

*Doctrine of  
implied  
powers*

<sup>1</sup> See Chapter XXVI.

for if a small one might be imposed there would be no constitutional limit to the amount. In Marshall's words, "the power to tax involves the power to destroy."

*Reaction to the decision* The decision was generally unpopular throughout the West and South, though the legislature of South Carolina gave its approval. Pennsylvania and some Western states favored an amendment to the Constitution prohibiting the establishment of a bank outside the District of Columbia; Maryland and Virginia were highly disturbed. The decision, wrote Marshall, "has roused the sleeping spirit in Virginia, if indeed it ever sleeps." Not long afterward the decision in *Cohen vs. Virginia* produced a still greater reaction. Alarmed by the repeated blows to states rights, Jefferson characterized the national judiciary as "a subtle corps of sappers and miners constantly working underground to undermine our confederate fabric." Judge Spencer Roane of Virginia—who would have been Chief Justice had Jefferson instead of Adams filled the vacancy created by Marshall's predecessor—outdid himself in a much more violent attack, while John Taylor, in *Tyranny Unmasked*, and *New Views of the Constitution*, defended states rights with a brilliance of argument that matched that of the Chief Justice himself. But Marshall, unmoved by his critics, carried on. This is not to say that Marshall was right or Taylor wrong. However, at a time when a majority of the people sympathized with, if they did not actually believe in, state sovereignty, Marshall was laying the foundations of American constitutional law on the postulate of national supremacy; and he was doing so by logic that was hard to tear down. "All wrong," wailed John Randolph of one of his opinions, "all wrong, but no man in the United States can tell why or wherein."

*Gibbons vs. Ogden* In *Gibbons vs. Ogden*, Marshall made a sweeping decision of far-reaching importance in reiterating and amplifying the principles laid down in *McCulloch vs. Maryland*. For a quarter-century Robert Fulton and Robert Livingston had been enjoying a state-granted monopoly of steam navigation in the waters of New York. In consequence, Connecticut and New Jersey enacted retaliatory legislation, thus threatening a situation not unlike that which had led the Constitution makers to place the control of interstate commerce in the Federal Government. What was

interstate commerce? Marshall broadly interpreted it to mean not merely "buying and selling" but intercourse of many kinds, including navigation. Moreover, he reasoned that the power to regulate commerce was not limited to state lines but extended to commerce wherever found. Accordingly, the New York monopoly not only was declared unconstitutional, but the way was opened for Congress to regulate commerce effectively even though it might be largely intrastate in nature.

The spirit of nationalism, reflected in Marshall's decisions and acts of Congress, was further augmented by the "Friendly Conventions" made with England from 1815 to 1818. Condescension, suspicion, and irritation had characterized relations between the two governments before 1815. The Peace of Ghent, which cleared the atmosphere considerably, was followed by the labors of statesmanlike diplomats; for Britain at last sent a succession of capable ministers to Washington—Charles Bagot, Stratford Canning, Charles Vaughan. The United States continued sending outstanding men to the Court of St. James—John Quincy Adams, Richard Rush, Rufus King, and Albert Gallatin. Still more important was Lord Castlereagh, who continued at the Foreign Office until 1822. This quiet, long-misunderstood advocate of European peace and Anglo-American accord was the leading statesman of his day. In Europe his task was hard—in the end it proved insuperable—but in spite of his Tory following and a background of prevailing ill will in both England and America, he did much to remove the obstacles to more amicable relationships. In previous years, when occasion dictated the action, a few British statesmen had shown a conciliatory attitude toward America; but Castlereagh was the first to look upon friendly understanding as a desirable permanent policy. He was met by Madison and Monroe in the same spirit.

*Relations  
with England*

In 1815 a new four-year commercial treaty was signed,<sup>2</sup> but the first post-war settlement of real significance was the agreement for

<sup>2</sup> Inasmuch as commercial terms were not included in the Peace of Ghent, discussions were resumed in London by Adams, Clay, and Gallatin, meeting again with Goulburn and Dr. Adams. The rather unsatisfactory terms of the new treaty were virtually the same as those of the Jay Treaty, which expired in 1807, and were as liberal as Britain could be expected to grant. She refused, as in earlier years, to make concessions which would impair her colonial system.

*Great Lakes  
agreement,  
1817*

disarmament on the Great Lakes. The strategic importance of the Lakes was so forcibly demonstrated during the war that peace found each side actively building war vessels for their future defense. Neither Madison nor Congress favored a continuation of building, however, and so by act of Congress, February 27, 1815, all Great Lakes vessels belonging to the United States, except those necessary to enforce revenue laws, were to be "sold or laid up." Then through John Quincy Adams, first resident minister in England after the war, Madison took the initiative in proposing disarmament. Castlereagh was willing to enter into such an agreement.

The idea of a demilitarized frontier was an old one. John Adams had wished to put such a provision in the treaty of peace in 1783; Washington had favored it; and Jay, in the London negotiations of 1794, had hoped for an agreement to that end. At Ghent the British proposed limiting armaments on the Lakes, but the Americans did not have instructions on the subject.

The opening steps having been taken, negotiations were transferred to Washington. After an exchange of notes between the British minister, Charles Bagot, and Acting Secretary of State, Richard Rush, an agreement was reached (April 1817) limiting the armed vessels for each government on lakes Champlain and Ontario to a single ship not exceeding 100 tons, and armed with one eighteen-pound cannon, and, on the upper Lakes, to two ships each of the same size and strength.

Although the Rush-Bagot Agreement could be terminated on six months' notice it is still in effect today.<sup>1</sup> This first limitation of armaments by international agreement paved the way to an unfortified boundary from the Atlantic to the Pacific—a monument to the good sense and judgment of reasonable men.

*Convention  
of 1818.  
Fisheries*

The next friendly settlement was the Convention of 1818. It dealt primarily with boundaries and fishing, and renewed the commercial treaty of 1815 for ten years. Among the generous

<sup>1</sup> Because of bad relations during the American Civil War, both Houses of Congress voted (1865) to give the six months' notice for termination. Secretary Seward did so, but the notice was soon withdrawn. At one time the United States kept but one vessel for all the upper Lakes; Britain none. In more recent years, by mutual consent, the terms of the original agreement have been modified in line with the needs of revenue patrol.

terms granted to the United States in 1783 were extensive "rights" and "liberties" in the waters and coasts of Newfoundland, Nova Scotia, and Labrador. These, the British contended, were abrogated by the war. At Ghent no agreement on the matter was reached, consequently about 1500 New England fishing vessels were barred from their previous occupation. Rush and Gallatin found Castlereagh so eager to renew the Commercial Convention of 1815 that he not only dropped the demand to navigate the Mississippi, but granted "forever" generous "liberties" in fishing, drying, and curing along specified coasts of Newfoundland, Labrador, and Magdalen Islands.<sup>1</sup> This settlement did not put an end to the fisheries question. In fact not until 1910, when the Hague Court arbitrated several disputed points still in controversy, did it appear that the perennial problem was at last put to rest. Fisheries treaties have come and gone, but the United States has always been able to fall back upon the Convention of 1818, which is still in force.

The Convention of 1818 also provided for the establishment of a boundary from the Lake of the Woods to the Stony (Rocky) Mountains. We have seen what efforts were made before the War of 1812 to settle the troublesome question resulting from confusion over the source of the Mississippi. The Treaty of Ghent made provision for joint commissions to settle four segments of the boundary eastward from the Lake of the Woods,<sup>2</sup> but contained no mention of a northern boundary for Louisiana. The settlement of 1818 called for a line due south (or north) from the northwest corner of the Lake of the Woods to the forty-ninth parallel, then westward to the mountains. Beyond the mountains Britain was unwilling to extend the line; so it was agreed that for a period of ten years Oregon should be "free and open" to the subjects of both countries. The Oregon question was to become a serious one before settlement was finally reached in 1846. A final article (1818) made provision for the settlement of American *Slaves*

<sup>1</sup> The commercial treaty was renewed for ten years.

<sup>2</sup> One commission reached a settlement for the islands in Passamaquoddy Bay, though a treaty was necessary in 1910 to remove the last uncertainty about the boundary. Another commission was able to agree upon the boundary from the St. Lawrence to the head of Lake Huron in 1822. The remainder as of 1783 (northwest as well as northeast) was finally settled by the Webster-Ashburton Treaty, 1842.

claims for slaves taken by the British during the War of 1812.<sup>1</sup>

In the fall of 1818, at almost the same time the Convention was being signed, news reached London of the execution by Andrew Jackson of two British subjects in Florida. Feeling in England ran high, but fortunately for the United States Castlereagh's friendly good judgment prevented a break with the United States. He was laying the foundations for enduring peace between two great nations.

<sup>1</sup> It was agreed to refer the matter to arbitration by some friendly sovereign. In 1822 the Tsar of Russia decided that American claimants were entitled to compensation. After two subsequent American Conventions on the subject, the United States accepted \$1,204,960 for settlement in full.

## Chapter Twenty-Six

### THE NEW WEST AND THE MISSOURI COMPROMISE

THE CLOSE of the War of 1812 found already in motion a westward migration which quickly assumed such proportions as to be called ever since the "Great Migration." Before it was stemmed in 1819 it had produced such far-reaching results as to give the "West" a peculiar significance in American history.

*The  
advancing  
frontier*

From the days of earliest settlement there had been a frontier, or West. It was in the region of the fall line by 1700, was well advanced toward the mountains by the time of the French and Indian War, and the beginning of the Revolution found the vanguard pushing beyond them. Lexington, Kentucky, was founded in 1775 in commemoration of the first battle of the war.

The frontier was a region of unavoidable isolation. It forced every man to rely upon his own resources and therefore encouraged independence. It was also a place of opportunity for the less successful of older communities; for land was cheap—one might even settle down undisturbed for years as a squatter—and leadership fell to the strong, whatever his antecedents might be. The best Indian fighter might well aspire to a judgeship. Under the hardships of surroundings where the lack of a labor supply made wealth a factor of little consequence, every man was theoretically as good as any other. Democracy, therefore, was inevitable, and was the greatest contribution made by the frontier to American life.

*Frontier  
character-  
istics*

During the colonial period the frontier had exerted a considerable influence upon the older sections, but it was not until after the War of 1812 that a frontier region became so strong as to be a dominant force in national affairs. This was the trans-Appalachian West—a distinct geographic area. The relative population growth of the sections strikingly illustrates the increased im-

*Significance  
of the  
New West*



portance of this new West. In 1810 the entire trans-Appalachian population was only about one-seventh of the total for the United States; in 1820 it was nearly one-fourth. In one decade the West had more than doubled, while by contrast the increase in New England was only about one-third, and that of the South even less. Illinois increased four times over, Indiana six. During the decade five new states of the West and Southwest were admitted—Louisiana (1812). Indiana (1816). Mississippi (1817), Illinois (1818), and Alabama (1819)—and another (Missouri) would have been but for difficulty over slavery.<sup>1</sup> After 1820 the balance of power in the national government passed to the region beyond the mountains.

*The "Great Migration"*

What is the explanation for the "Great Migration" which produced this change? Impelled by population increase and the lure of virgin soil, a westward movement had obtained from early colonial days. At times the volume was increased or diminished as some special force, such as advertisement of the West or economic conditions, might affect popular decisions. During the Federalist period a wave of migration resulted in the admission of Tennessee, with Ohio as an aftermath. The land act of 1800, offering four years' credit to purchasers, was a stimulant of some consequence. The flow gained in volume to the end of the War of 1812 then attained magnificent proportions because of new allurements in the West. The defeat of the Indians in the war, and the resulting abundance of cheap, fertile land, acted like a magnet to draw men from poor soil in the older sections. Moreover, for years the West had been advertised by exciting events: the expeditions of Lewis and Clark and Pike, the romantic plans of Aaron Burr, Indian troubles and Tippecanoe, the launching of the first steamboat on the Ohio in 1811, the great earthquake of 1811, and the war itself.<sup>2</sup> Each western campaign paved the way for a new migra-

<sup>1</sup> Louisiana, it is true, had a sufficient population to justify admission much earlier, and was not a product of the "Great Migration."

<sup>2</sup> For three months, beginning December 16, a large area of the Mississippi Valley below the mouth of the Ohio quaked almost incessantly, and thereafter intermittently for about five years. New Madrid, second largest town in what is now Missouri, was destroyed, much of it taken by the river. Terrific rumblings, and spouting gases and steam, accompanied the upheaval and the sinking of great areas. The Mississippi flowed backward temporarily, and many lakes were formed. The largest, Reel Foot, is nearly 70 miles long, 3 to 20 miles wide, and as much as 100 feet in depth.

tion of settlers, and the federal land bonus of 160 acres (later increased to 320), offered to encourage enlistment, still further advertised the public domain.<sup>1</sup> After the war the reports of European travelers who visited the West provided a touch of appealing glamour, while improved means of transportation materially aided long-distance migration. The westward-thrusting Cumberland Road (finished in 1818) expedited travel to the Ohio and to its steamboats which, as early as 1815, were able to breast the current from New Orleans to the Falls of the Ohio at Louisville in twenty-five days.

Connecticut Yankees led the emigration from New England. Why continue the struggle with worn-out soil, valued at ten to fifty dollars an acre, and high taxes? By going far enough westward the home-seeker could find good land in the public domain at two dollars per acre, and with four years' credit—in the Western Reserve it was less. Or he could secure a farm of a size to suit his convenience at somewhat higher prices and even longer credit from some speculator. If he chose he might become a squatter, and take his chances with the lax enforcement of land laws. New England newspapers were filled with glowing advertisements of Western advantages. The "Ohio fever" was highly contagious, and won its thousands with the promise of economic betterment, freedom from restraints which bound too closely—a chance to make a new beginning in western New York or the Connecticut Reserve.

*Yankee  
migration*

Until after 1825, when the completed Erie Canal became the great gateway into the West for New England and the upper Middle states, settlers of Middle state origin were far more common in Ohio than those from New England, while Southerners, in turn, were still more numerous. The southern Piedmont—together with Kentucky and Tennessee which were already seeking an outlet—was the great source of migration for the settlement not only of the region north of the Ohio but, as late as 1830, for most of the Mississippi Valley as well. Two-thirds of Illinois' population

*The  
Southern  
contribution*

<sup>1</sup> The law of March 5, 1816, provided for 320 acres to privates, and still more for officers. In all, 330,880 acres were located at this rate. Nearly 30,000 warrants for bounty lands were issued, and the holders (usually not ex-soldiers) eventually were allotted lands accordingly.

in 1818 and a striking preponderance of Indiana's as late as 1850 were of Southern origin.

A portion of the migrating Southerners were seeking an escape from the destructive competition of the slaveholding planter. But this explanation will not hold for the great majority, inasmuch as the Piedmont was dominantly a region of small landholders. From the older plantation areas, however, went many nonslaveholders directly westward where they took up land, cleared it, and often sold to incoming planters at fancy prices. Cotton planters, facing diminishing returns from old lands, swelled the westward-moving tide. In the migration from Kentucky went two families of particular interest to American posterity. Shortly before the War of 1812 the father of Jefferson Davis joined the stream of migrants descending the Mississippi and settled in Mississippi after a sojourn in Louisiana. Abraham Lincoln, born about a year later than Jefferson Davis and not many miles from the same place, went with his father into Indiana in 1816.

*Routes of  
travel*

By various routes of travel—the Genesee Turnpike in New York, the old Forbes route in Pennsylvania, the Cumberland Road when finished, the Federal Road (Three-Notch Road) westward from Georgia, and mountain passes like the Cumberland Gap—settlers moved toward the setting sun, utilizing rivers, especially the Ohio and Tennessee, whenever possible. Anything that would float might take a family to a point not far from the ultimate destination. There the flatboat (if such had been used) might be knocked to pieces and used for constructing a habitation. Little property was taken on the journey, for little was possessed by the average settler and overland travel was hard. A few household effects, perhaps a treasured heirloom, and enough children to complete a load for the wagon was the usual thing. If a wagon and draft animals could not be afforded the family trudged along on foot, pulling its meager “belongings” in a hand cart. Many contemporary accounts express amazement at the magnitude of the migration. A British observer wrote that Old America seemed “to be breaking up, and moving westward.”

*Land Act of  
1800*

The difficulties encountered in reaching the new home introduced the settler to one of the greatest problems which the West had to face—that of transportation. But his most immediate

concern was the acquisition of land, and that under satisfactory terms. In 1800, on the insistence of the new delegate from the Northwest Territory, William Henry Harrison, Congress greatly modified the ill-advised terms of sale established four years earlier. Thereafter, for a score of years, minimum tracts of 320 acres might be purchased at \$2 per acre, after having been offered at auction to the highest bidder, and with four years' credit.<sup>1</sup> The settler who planned to "locate" on the public domain carried with him enough money to make the down payment of one-fourth, unless, like many others, he chose to become a squatter instead. The Harrison Land Act, therefore, was hailed as an enlightened piece of legislation, and it provided a stimulant toward the filling up of the West. Before 1800 the total sales by the government to individuals, exclusive of the great sales to the Ohio Company, to Pennsylvania, and to John Symmes, were a little more than 200,000 acres. Thereafter, until 1814, the increase was not very striking, but as the "Great Migration" gathered momentum the records of the General Land Office shot upward: over a million acres in 1815, and almost five times as much when the peak was reached in 1819.<sup>2</sup>

Most westward-moving settlers were relatively young people, "long on hopes but short on cash." Surely the fruit of their toil would enable them to pay the second installment when it should come due in two years! But the back-breaking labor of clearing land did not yield immediate abundance, and such surplus crops as might be produced often brought no revenue because a market could not be reached. Many, therefore, defaulted on payments

*Difficulties of  
land buyers*

<sup>1</sup>In 1804 the minimum was reduced to 160 acres, and after 1817 one-sixth of the sections of a township might be sold in 80-acre tracts. The Act of 1800 provided for sales at auction to the highest bidder for a period of three weeks after any given tract was surveyed. The auction plan was inaugurated by the Ordinance of 1785, and finally abandoned in 1891. The act also established four local land offices which were moved and increased in number as convenience and demand for land dictated. The Act of 1796 had provided for land offices at Philadelphia, for sales of large tracts, and at Pittsburgh and Cincinnati for small. At Cincinnati sales below the Great Miami would be made, but there were none under the Act of 1796.

<sup>2</sup>As an index to the westward movement, these figures are illuminating but far from complete. Much land was purchased by speculators who were waiting for land-hungry settlers; moreover, there was land from previous grants still to be had, plus school lands. In Kentucky and Tennessee, where migration was great, there was no public domain. Land south of the Ohio (Alabama and Mississippi) was first offered for sale by the Federal Government in 1803, but no statement of sales was made before 1807.

from necessity; many others from inclination. The political consequence of a situation in which most men were in debt to their government for four years was soon manifest: the law authorizing the dispossession of those who failed to pay their installments was seldom executed, and defaulters were saved by "relief" acts which became a regular thing even before 1812.

*Land Act of 1820* By 1820 conditions were in the nature of a long-standing scandal. Not only were defaults universal, but many leaders from the West, like their constituents, were questioning the right of the government to charge anything for public land. Was not the first settler a public benefactor who merited a farm as his just reward for national service rendered! However, not until 1862 was the idea given statutory form. The new terms of sale laid down by the Land Act of 1820 represented a compromise. The price was set at \$1.25 per acre, cash, and the minimum at eighty acres. Those who previously had bought on credit were permitted to keep the portion of their purchase to which their payments would entitle them; surrender the remainder, buy it at the new price, or enter into a new credit arrangement. Approximately one-third of the land purchased after 1800 was turned back.<sup>1</sup>

*Conditions favoring inflation*

The difficulties encountered by the West in paying for its land were greatly aggravated by insufficient capital, together with an unsound credit structure produced by unsound banking. The end of the First United States Bank in 1811 was the signal for state banks to multiply in number and to expand their issuance of paper money. Then, in 1814, suspension of specie payments by all banks outside New England produced still greater inflation. Between 1814 and 1818 banking capital doubled in the West, accompanied by a highly stimulative rise in commodity prices. Cotton values were especially intoxicating, for the return of peace found English and American manufacturers competing for the Southern output. In 1813 the average export price had been fifteen cents; in 1815 it was twenty-nine, and two years later had risen to thirty-three. The demand for new land, especially in the South, rose accordingly. Until 1817 the Federal Government ac-

<sup>1</sup> The cost of administration still equaled the net receipts. Not until the next wave of migration in Jackson's time did sales equal those of 1819, or revenue exceed the cost of administration.

cepted paper for land purchases, thereby encouraging land sales. The situation was most favorable for wild speculation. Even the Second United States Bank, chartered as it was to aid the government and bring order from the chaos of state-bank operations, joined in a two-year scramble for easy wealth.

Land speculation was most pronounced in the Black Belt where good cotton land was eagerly sought. In 1817 over a million acres of public land was sold in Alabama and Mississippi, much of it at auction and at prices ranging as high (in 1818) as \$107 per acre. In prospective towns, laid out by visionary "boomers," the price was frequently much more. A contemporary account describes a town "somewhere in the Alabama territory" laid out upon land for which a company paid as much as \$150 per acre, then subdivided and sold for over ten times as much. Such were the concomitants of a swelling tide of migration which scattered settlers broadcast throughout the newer West. A considerable portion of the population found itself, therefore, not only without the means for marketing surplus crops, but without schools and other agencies of civilized living. Deeply indebted to the Federal Government or to mushroom banks, which in turn were indebted to the United States Bank, they could hardly hope to save themselves unless the unnatural prosperity should continue indefinitely. It did not.

*Speculation  
in land*

The crisis came in 1819. Becoming alarmed, the directors of the United States Bank chose Langdon Cheves president in January of that year, and under his rigorous management the Bank saved itself from impending disaster. Credits were curtailed, branch banks were required to accept no bank notes except their own, and all state bank notes held by them were to be presented for payment at once. The Bank's new policy helped precipitate the panic of 1819 by driving many state banks into bankruptcy, and won for itself the undying hatred of the West. State banks pushed their creditors harshly, thus increasing the suffering. The usual characteristics of depression were general throughout the West—unemployment, business stagnation, prices of staples half what they had been, and land values down by fifty to seventy per cent. Through foreclosures enormous amounts of property came into the hands of the national bank. Fifty thousand acres of good

*Panic  
of 1819*

land in Ohio and Kentucky fell into its possession—a great part of Cincinnati also. “All the flourishing cities of the West are mortgaged to this money power,” declared Benton of Missouri. “They may be devoured by it at any moment. They are in the jaws of the Monster. A lump of butter in the mouth of a dog—one gulp, one swallow, and all is gone.”

*Opposition  
to the  
U. S. Bank*

Opposition to the “Monster” found expression in efforts to drive out its branches through taxation.<sup>1</sup> Marshall came to the rescue, but his decision in *McCulloch vs. Maryland* did not immediately kill Western opposition. Ohio was not to be deterred. Her legislature reaffirmed the doctrine of the Virginia and Kentucky Resolutions, enacted a law withdrawing protection from the United States Bank, laid a tax of \$50,000 on each of two local branches, and forcibly collected it, thereby practically outlawing the bank. In the resulting case of *Osborn vs. United States Bank*, the Supreme Court affirmed Marshall’s decision in *McCulloch vs. Maryland*, holding Ohio’s law to be unconstitutional.

*Extreme  
relief  
measures*

For five years the West struggled with depression and nurtured populist ideas which were destined soon to find expression in Jacksonian Democracy. In their efforts to remedy the situation heroic measures were tried by some states. Kentucky, by way of evading the constitutional prohibition against the emission of paper money by states, incorporated the Bank of the Commonwealth with power to issue irredeemable notes in sufficient quantities that its citizens who could not borrow elsewhere might secure money for paying “his, her or their just debts.” The bank had no stockholders, and the only capital was a state appropriation of \$7000 for printing the notes. The bank failed and the people were left holding a plethora of worthless money. Still other legislation gave to foreclosed debtors a long period in which to redeem their property, and forbade the sale of land under execution unless it should bring three-fourths of its value as appraised by the neighbors! In due time the highest court of Kentucky declared the relief laws to be unconstitutional, whereupon the legislature abol-

<sup>1</sup> In the West such opposition obtained from the beginning. Indiana and Illinois by their Constitutions forbade any “foreign banks to operate within their state boundaries. From 1817 to 1819 inclusive, Maryland, North Carolina, Georgia, Kentucky, Tennessee, and Ohio enacted measures for taxing the Bank. Tennessee imposed a tax of \$50,000; Kentucky \$60,000 on each of two branches.

ished the court and established a new one. But the old court refused to die. Not until 1826, when the panic had receded before returning prosperity, did the "old court" party win the bitter contest.<sup>1</sup>

While the West was going through an economic upheaval of debts, deflation, and bankruptcy, and sharpening its dislike for the East, another and far more ominous problem—likewise attendant upon expansion—threatened the Union and revealed the depth of cleavage which was possible between North and South. This was the problem of slave extension. The antislavery movement, encouraged as it was by the War for Independence, had by 1804 either freed all states and territories north of the Mason and Dixon Line and the Ohio River or placed them on the road to slave extinction. But in the South, save for the border states, encouraging signs were dispelled by the revolutionary effects of Whitney's cotton gin. In a short time the slave demands of the sea islands and the rice coast of South Carolina and Georgia were overshadowed by those of the great interior where cotton culture was made profitable.

*The issue of  
slavery*

Ever seeking new lands, slaveholders in great numbers pushed westward during the Great Migration, even spilling across the Mississippi into territory of the Louisiana Purchase. There, in Spanish and French days, slavery had existed legally. Congress had done nothing to change its status. So along the Mississippi, particularly in the St. Louis area, and up the Missouri in the region where Daniel Boone had dwelt since Spanish days, Southerners with their slaves found good wheat and corn land. Cotton was not the favored crop in Missouri. In 1810 the population of the territory was about 20,000, most of whom had moved into the region since 1803.<sup>2</sup> Not until 1816 was the number greatly increased; then newcomers from Kentucky, Tennessee, North Carolina, and Virginia, with a sprinkling from South Carolina and Illinois, poured in. By 1818 the population had swollen to

*Settlement o.  
Missouri*

<sup>1</sup> Missouri went a step further than Kentucky: she amended her constitution in order to save her laws.

<sup>2</sup> In 1804 all the territory north of the present state of Louisiana was made the District of Louisiana, and attached temporarily to Indiana Territory. The next year it became Louisiana Territory. In 1812 it became a territory of the second stage and was renamed Missouri.



60,000.<sup>1</sup> Less than 10,000 slaves, most of them household servants, were in the territory although there was little opposition to the institution. It was taken for granted by the residents that Missouri would be a slave state.

*Missouri  
requests  
admission*

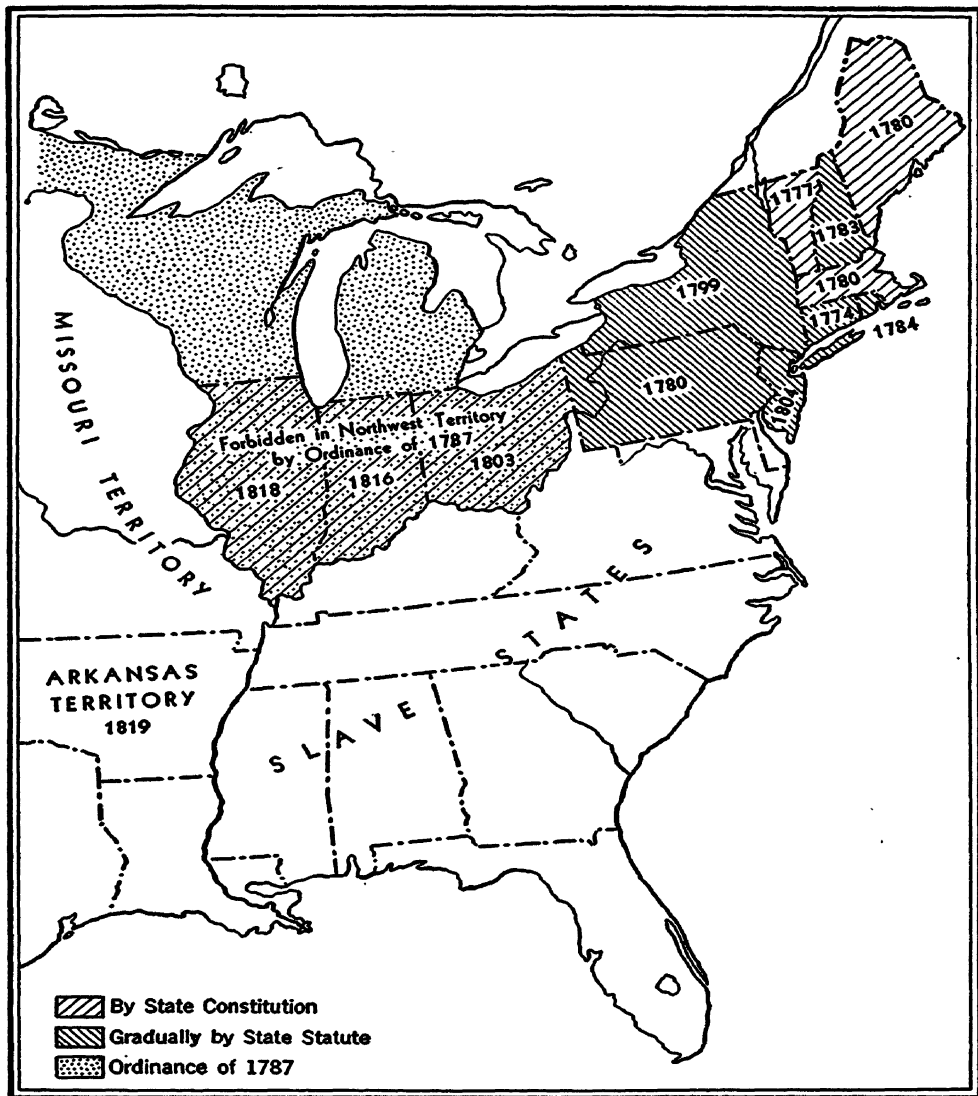
In 1817 the statehood movement began. Across the river Illinois, with less population, was about to be admitted. Why not Missouri? But her petitions to Congress praying for statehood were given scant consideration until early in 1819 when the House Committee on Territories introduced bills for reducing the boundaries of Missouri and enabling her to draw up a constitution for admission. On February 13 James Tallmadge of New York proposed an amendment prohibiting the further introduction of slaves into Missouri, and providing that all children born in the state should be free at the age of twenty-five. It was the signal for the beginning of a sharp debate which clearly showed the sectional significance of slavery.

*Balance of  
states*

Other slave states had been admitted without a struggle; why, then, should Missouri be a bone of contention? Though several factors entered to complicate the situation, the question of greatest practical importance was that of sectional power in national affairs. Missouri, whether admitted free or slave, would upset the balance which, partly by accident and partly by design, had obtained in the Senate for several years. With the admission of Louisiana in 1812 there were nine slave and nine free states. Thereafter, until 1850, every state admitted was accompanied by its pair—Indiana (1816) and Mississippi (1817); Illinois (1818) and Alabama (1819). However, in 1819, there was no immediate prospect of a pair for Missouri.

In 1790 the population of North and South was nearly the same; but the more rapid increase of the North, largely because of migration from the South, had given that section easy control of the House of Representatives. Moved by the instinct of self-preservation, Southerners were the more eager, therefore, to maintain equality of strength in the Senate. Already the tariff had roused Southern fears. On the other hand, Northerners were

<sup>1</sup> The census of 1820 showed a population of 56,000 white settlers and 10,000 slaves. St. Louis, the old fur-trading center and territorial capital, claimed a total population of about 4000.



PROGRESS OF EMANCIPATION BEFORE 1820

dissatisfied with the "federal ratio" which gave to the South a score of seats in Congress by virtue of counting three-fifths of the slaves. Missouri, if slave, would still further increase the voting power of the South.

Yet another cause for Southern concern respecting Missouri is to be found in the apparently limited prospect for future states. In the same month that the fight over Missouri began in the House, the Secretary of State signed a treaty with Spain establishing a definite southwest boundary for Louisiana. Believers in "manifest destiny" might look beyond the boundary toward the Pacific, but practical statesmen were more concerned with the "bird in hand" than with the dreams of expansionists, especially when the reports of explorers painted an "American Desert" scene over much of the Great Plains.<sup>1</sup> Excepting Missouri, the South could count with reasonable certainty upon only two additional states, Florida and Arkansas. With equal assurance the North might expect five—Maine (a detached part of Massachusetts), Michigan, Wisconsin, and two north of Missouri. Of more immediate concern was the question of whether limits should be placed upon the further expansion of slavery beyond the Mississippi. East of the great river the Ohio was a natural dividing line; beyond there was none.

*Debate on  
Tallmadge  
amendment*

The Tallmadge amendment was thoroughly disturbing to Southern members of Congress not only because it represented an attempt to gain an additional free state contrary to the wishes of its inhabitants, but because it was the first serious attempt, by legislative enactment, to abolish slavery where it already existed. In the brief but sharp debate which followed Clay took the lead in outlining the main arguments that were later more fully developed by the opponents of restriction. Northern members replied with such vigorous attacks as to bring from Thomas Cobb the prophetic utterance, "You have kindled a fire which all the waters of the ocean cannot put out, which seas of blood can only extinguish." By a close margin the amendment passed the House but lost in the Senate.<sup>2</sup> Congress then adjourned, and the question went to the people who worked themselves into a fine lather of excitement over the fundamental principles involved.

<sup>1</sup> Lewis and Clark, and then Pike, had so reported. Others had confirmed the "desert myth." In 1816 H. N. Brackenridge, in his *Journal of a Voyage up the River Missouri*, described the region beginning west of the present state of Missouri as one which "combines within its frightful and extensive territory the Steppes of Tartary, and the moving sands of the African desert."

<sup>2</sup> On March 2 the bill to create Arkansas Territory became law, and went into effect on July 4.

Several state legislatures, including New York, Pennsylvania, and Ohio, and even the slave state of Delaware, adopted resolutions opposing the further taking of slaves into territories of the United States. Northerners threatened secession if slavery were not excluded from Missouri; Southerners threatened secession if it were. In Missouri good citizens railed against the "gross and barefaced usurpation" of authority, and every grand jury in the territory formally protested against the exclusion from the Union.

*Popular excitement*

Congress convened in December 1819, primed for battle. Fortunately, from the standpoint of harmony between the sections, a new factor had entered into the situation which made a compromise possible: Massachusetts was willing that Maine should be a separate state, providing the consent of Congress were given before March 4, 1820. After much jockeying, including a conference committee, the Senate compromise, proposed by Thomas of Illinois, was accepted by the House on March 2, 1820; but only because fifteen Northern "doughfaces" voted with the South.<sup>1</sup> Southern leaders in both houses voted for the compromise, not because they approved the solution but in order to save the Union. In general, the same was true for the Northerners who voted with them.

*The first Missouri Compromise*

By the terms of the compromise Maine was to be admitted free, Missouri slave. All remaining territory of the Louisiana Purchase north of 36° 30', the southern boundary of Missouri, should be "forever" free. Did "forever" mean that states when created from this territory must be free? Adams alone of the cabinet thought so. In this case "forever" was destined to be of only thirty-four years' duration!

Because of the subsequent importance of the slavery question in the territories, the main issue in the congressional struggle assumes particular interest. The chief arguments centered upon the meaning of the Constitution—always highly respectable debating ground. Did Congress, under the Constitution, have the right to place a restriction upon a state as a condition of admission to the Union? Senator Rufus King spoke most effectively for the

*Constitutional arguments*

<sup>1</sup> "Doughfaces" (Northerners with Southern sympathies) was the term Randolph applied to them. A portion of the fifteen were influenced by the knowledge that Maine would fail of admission unless they made the concession. Others were moved by the Southern constitutional argument.

*Rufus King*

restrictionists of the North. An old-time Federalist and an anti-slavery advocate of thirty-five years' standing, he feared the growth of the West under Southern leadership, and frankly made a sectional appeal;<sup>1</sup> but the burden of his telling speeches was along constitutional lines. Congress, said he, by virtue of its constitutional power to "make all needful Rules and Regulations respecting the Territory," had the right to bar slavery from the Louisiana Purchase. Moreover, since Congress had the power (without being required) to admit states, she might stipulate the conditions, even to the perpetual abolition of slavery. As precedents, he cited the Ordinance of 1787 and the admission of Ohio, Indiana, and Illinois under its restrictions; likewise Louisiana under a different sort of requirement.

*William Pinkney*

Senator William Pinkney spoke most effectively for the South. The Union under the Constitution, he insisted, was a Union of states equal in rights and privileges, and no state admitted thereto should be subjected to any special restriction. Grant to Congress the right to place a restriction upon a new state, he declared, and there would be no limit to the exercise of power. Missouri wished statehood with slavery. She should have it as her right.

*Southern doctrine*

This doctrine, which appealed strongly to states-rights advocates, especially in the South, was not new, and was essentially the doctrine of popular sovereignty later so much emphasized in a modified form in connection with the Compromise of 1850 and the Kansas-Nebraska Act.<sup>2</sup> Actually, every state, from the original formation of the Union to the destruction of slavery in 1865, had slavery if it wished. Ohio, Indiana, and Illinois, it is true, were affected by the territorial restriction of 1787 which started them on the road to freedom; but in the final outcome they were free only because a majority of their citizens so decided. All were admitted subject to the condition, stipulated in the enabling acts, that the Ordinance of 1787 should not be violated. It should be

<sup>1</sup> The possibility of new party alignments was a factor of some consequence in the debates. King, believing that the Federalist party was finished, was looking to leadership by joining with the stronger faction when the Republican party should split. Clay, too, was not insensible to the possibilities in the situation.

<sup>2</sup> After 1850, by which time the right of a state to determine its institutions was accepted doctrine, popular sovereignty was understood to apply only to the territorial status before admission to statehood. The student should be on his guard lest the two be confused.

remembered, however, that the slavery provision in the Ordinance applied only to the "territory." More significantly, each of the three was guaranteed, by the self-same enabling acts, admission "into the union upon the same footing with the original states, in all respects whatever." In Illinois a movement to legalize slavery by constitutional amendment was defeated as late as 1824 by the close margin of five to four. So narrowly did Illinois miss becoming a slave state!

It was unfortunate that the constitutional question should have been beclouded by the issue of slavery. Most Southern members of Congress deplored the existence of the institution; but, fearing the growth of the North, fought for the right to extend it. A favorite argument of Clay and others was that diffusion would mitigate the evil. As the debates grew in intensity, threats of disunion were freely made. J. Q. Adams and Calhoun conversed about the possibility while Clay predicted new confederacies—a not unfriendly idea to some Northern members.<sup>1</sup>

The crisis was passed when the Great Compromise was adopted on March 2, 1820, but sectional feelings had been stirred so deeply that the subsequent action of Missouri made necessary two other compromises to complete the work. In each case it was Clay who, having resigned from the Speakership, took the lead and supplied the oil for the troubled waters. In the third, or Little Compromise (February 28), a solution was found for the problem presented by Missouri's constitution.<sup>2</sup> Nettled by what she considered to be interference with her rights, Missouri had put into her constitution strong guarantees for slavery, including the provision that free Negroes might not be admitted to the state. To Northerners this was an abridgment of the Federal Constitution which provides that "the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states." After a bitter debate Clay's solution was accepted: Missouri should be admitted without being required to change her constitution, but with the condition that her legislature should never construe the

*Additional  
compromi:*

<sup>1</sup> The danger of Southern secession was greatly lessened by the readiness of Monroe to veto any bill which barred slavery from Missouri.

<sup>2</sup> The *Second Compromise* (February 14) terminated a crisis over the counting of Missouri's electoral vote, and paved the way for the more important compromise which followed.

obnoxious clause in such a way as to abridge the rights of any citizen of any state under the Federal Constitution. Missouri was formally admitted by presidential proclamation, August 10, 1821. She then proceeded to do as she pleased about the Negro problem.

Before long the turmoil subsided, and this first great struggle in Congress over the problem of slave extension appeared to be a closed chapter. But to far-seeing statesmen, who for a moment caught a glimpse of the troubled future, it was only the prelude to a hymn of hate. J. Q. Adams wrote in his diary: "I take it for granted that the present question is a mere preamble—a title page to a great tragic volume." And to Jefferson it sounded "the knell of the Union."

## Chapter Twenty-Seven

### FLORIDA AND THE MONROE DOCTRINE

MEASURED by the permanence of its contributions, the administration of James Monroe is one of the most outstanding in American history; yet this last member of the "Virginia dynasty" was in most respects not a remarkable man. Indeed, Monroe might well have missed the presidency had Madison not made him "heir" to the succession.

Monroe's career is a tribute to the indomitable perseverance of one naturally endowed with only ordinary abilities. But, much like Washington, he possessed common sense and sound judgment to a rare degree and was eager to serve the country he loved. At eighteen the Revolutionary War cut short his studies at the College of William and Mary. He served with distinction in the army, then in 1780, as a student of law, formed a close and enduring connection with Jefferson. Eight years later he established his home, Ash Lawn, only a few miles from *Monticello*—close enough to permit communication between them on clear days by the use of telescopes.

*James  
Monroe*

Monroe's public service before entering the United States Senate in 1790 included membership both in the Virginia legislature and the Confederation Congress. His diplomatic career began with his ministry to France in 1794 which, after an extended period as governor of Virginia, was followed by other missions to France, England, and Spain. His efforts in diplomacy fell short of real success, but under the circumstances better men might well have failed too. During the darkest period of the War of 1812 he was Secretary of War as well as State, a dual position in which he proved his great capacity for administration. In fact, his war reputation was the best made by any American in civil life.

With the blessing of Madison, Monroe appeared to be the logical



*Election of  
1816*

choice for the presidency in 1816, but even so he narrowly missed being passed over by the Republican congressional caucus in favor of the able and energetic William H. Crawford of Georgia. Nomination was tantamount to election, for the Federalists, with a past to be lived down, were so weak that they did not even bother with formal nominations. Rufus King of New York, for whom staunch Federalists voted, carried but three states—Massachusetts, Connecticut, and Delaware.

*Monroe's  
cabinet*

Good judgment, tempered by political expediency, led Monroe to choose a cabinet which for all-round ability has not been surpassed to this day. Because he wished to avoid the unpleasant consequences that would result from the appointment of either Clay or Crawford to first place in the cabinet, Monroe passed over these keen rivals in favor of John Quincy Adams. Anyway, as Monroe explained, Virginians had dominated the State Department—the stepping stone to the presidency—since 1801; so in the interests of sectional harmony Massachusetts should be given a turn at the post, especially when it was impossible, said Monroe, that Adams should ever be President. Clay was so much disappointed that he would not accept the War Department. As Speaker of the House he proved a thorn in the flesh of the President; but Monroe had learned how to exercise enduring patience, and so avoided an open rupture.

Continuing at the Treasury Department, Crawford was an able successor to an already illustrious line. To the War Department young and brilliant Calhoun brought a glowing spirit of nationalism, a willingness to do his work thoroughly and well, and a freedom from the political intrigue that was soon to characterize the so-called “era of good feelings.” William Wirt, the Attorney-General, was a worthy match for the others. It is not surprising that such a cabinet should overshadow the President, but its members did not forget that Monroe was chief executive.

*Purchase of  
Florida*

Just over a week after the Tallmadge amendment to the Missouri bill precipitated the first crisis in Congress over slavery, Secretary Adams, on February 22, 1819, concluded long-continued negotiations with Spain for the purchase of Florida and “closed the day with ejaculations of fervent gratitude to the Giver of all good.”

When Florida, eastward from the Pearl River to the Perdido,

was taken over by the United States in 1813, the United States had made "the most of it," as Talleyrand suggested to Livingston in 1803. But to East Florida, likewise desired, the Louisiana Purchase gave no claim. However, the turbulent years after 1808 witnessed occasional revolts which testified to the lax administration of law and the feeble grasp of Spain. Fearful of Britain, Congress responded to a secret request of President Madison by declaring (January 15, 1811) that the United States could not "without serious disquietude, see any part of the said territory [Florida] pass into the hands of any foreign power." Furthermore, Congress authorized Madison to occupy the territory if local authorities would consent, or a foreign power attempt to occupy.

Pursuant to this action, the Administration soon delegated Ex-Governor George Mathews of Georgia to proceed to the St. Marys region in order to determine what could be done to encourage a movement toward the American fold. Mathews understood that a revolution after the model of that in West Florida was desired, and joyfully undertook to do the trick. In the spring of 1812 about 200 "patriots," fortified by some American gunboats, moved into Amelia Island—notorious nest for every brand of outlaw and pirate—and ganged on Fernandina, the garrison of which was the sole protection for the island. The Spanish commander did not choose to dirty his hands with fighting, so the entire garrison (totaling ten men) surrendered with the honors of war. Mathews' fortunes were looking up! But when Washington learned what had happened the action was disavowed, though in a private letter Secretary Monroe praised Mathews' zeal: the coming of war with England suggested caution. Mathews, badly hurt by the disavowal, soon started for Washington, threatening that he would "be dam'd if he didn't blow them all up." But official Washington was saved: he died on the way.

The termination of the War of 1812 did not improve conditions in East Florida. The decrepit hand of Spain was hardly felt beyond the fortified posts of Pensacola, St. Marks, and St. Augustine. Elsewhere was a great haven for the lawless of every description—smugglers, pirates, Creeks who had escaped the wrath of Jackson by joining their kinsmen the Seminoles, other Indians who fled the United States to escape punishment for their sins, and many run-

Background

Mathews and  
Amelia  
Island

away slaves from Georgia. A jolly mess, and a land of opportunity for the adventurer!

*Colonel  
Nicholls*

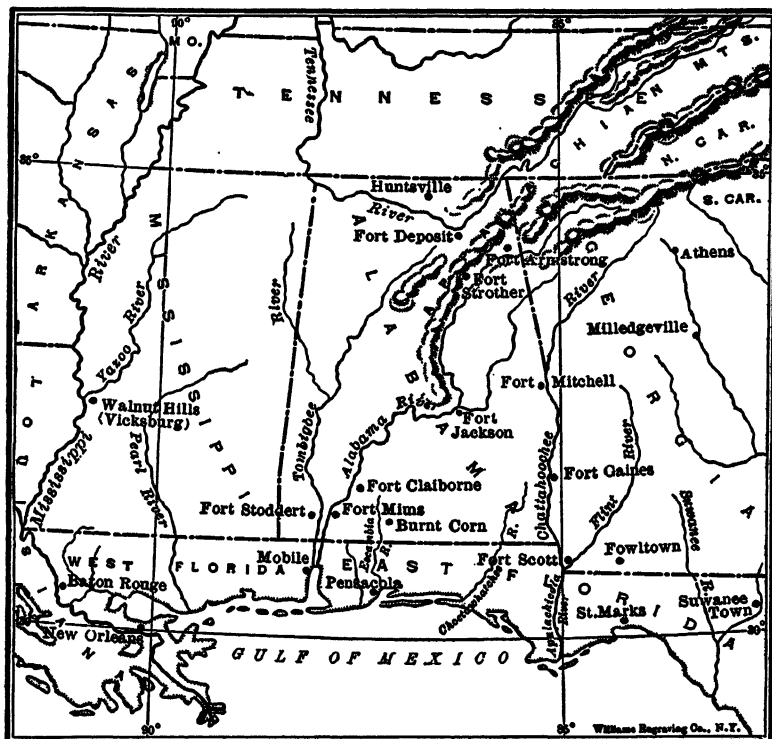
Colonel Nicholls, who had commanded for the British in Florida, was slow in leaving when the war was over. He rebuilt a fort on the Appalachicola River and stocked it well with muskets, pistols, swords, and several hundred barrels of powder. He also made a military alliance with Seminoles and Creeks, and led the Creeks to believe that the Treaty of Ghent required the United States to restore the lands which Jackson had taken from them by treaty in 1814. Britain, he assured them, would lend support in recovering the same. Actually, the British promptly disavowed any such intentions; but by way of terminating an awkward situation presented prominent Indians with valuable gifts, including the scarlet regalia of a brigadier-general for Francis (Hillis Hago). That was a mistake. Other troublemakers who encouraged the Creeks to expect a return of their old lands were Alexander Arbuthnot, a kindly old Scotch trader with a reputation for treating the Indians fairly and decently, and Captain Ambrister, who had served under Nicholls, then entered the employ of Arbuthnot. Ambrister, with an inordinate capacity for adventure, joined the Indians under Chief "Billy Bowlegs" and helped drill them for fighting. This, too, was a mistake.

*Captain  
Ambrister*

*"Negro  
Fort"*

After Colonel Nicholls left Florida, in 1815, Negroes seized the fort on the Appalachicola, and soon "Negro Fort" became the rendezvous for lawless activities that extended into Georgia. Whereupon General Jackson, under direction from the War Department, ordered General Edmund Gaines to suppress the lawlessness. This was done accordingly in July 1816, by firing a red-hot cannon ball into the fort. The fort and some 300 Negroes were blown to pieces—a ghastly but effective way of abating an intolerable nuisance. In 1817 Amelia Island was again seized by American forces. In the meantime trouble with the Seminoles, who still held land included in the Creek session of 1814, reached the breaking point because of the aggressive advance of white settlers. Retaliations followed. Soon the burning of the Indian village of Fowltown and the harrowing destruction of a boat load of white men, women, and children by Seminoles under Himollemico inflamed the border.

The Seminole War was on. The War Department ordered Gaines to pursue the Indians into Spanish territory if necessary, *Invasion of Florida* but not to molest any Spanish military post without further in-



THE GULF REGION, 1812-1818

structions. On December 26, 1817, Calhoun ordered Jackson to assume command of operations, raise troops and "adopt the necessary measures to terminate . . . [the] conflict." Jackson was not content merely to chase Indians across the border. He sought permission from Monroe to seize the Spanish territory,<sup>1</sup> and in March 1818 led troops which had enlisted for that purpose

<sup>1</sup> Whether Monroe ever actually gave Jackson permission, as Jackson always insisted, has never been cleared up. But it is certain that Jackson's intentions were understood by the Administration. There was no secret about his hatred for the Spanish or his desire for Florida. In Tennessee the battle cry was: "To storm the walls of St. Augustine."

straight into Florida. Jackson was not able to control the region in sixty days, as he promised Monroe, but considering quagmires, swollen streams, tangled forests, and limited rations he did not do so badly. On April 6 he arrived before St. Marks whence had fled Himollemico, notorious because of his attack upon women and children, and Francis of the scarlet regalia. Seized by dishonorable strategy, they were summarily executed without trial. On the seventh St. Marks was occupied, Arbuthnot taken into custody, and the Spanish governor packed off to Havana.

*English  
subjects  
executed*

The next day, hoping "with the smiles of heaven to put an end to the war," Jackson plunged eastward toward the Suwanee, the headquarters of "Billy Bowlegs," the Seminole chief. But he arrived to find that the Indians, warned by Arbuthnot, had scattered. The mission was not altogether fruitless, however, because Ambrister was caught red-handed aiding the Indians. Jackson took him back to St. Marks, and to a court martial in which Arbuthnot and Ambrister were both found guilty of aiding the Indians, and were executed. Pensacola was next. It surrendered on May 28. Florida was in American possession. Would Monroe keep it?

*Onis is  
insulted*

Shortly after J. Q. Adams assumed his duties as Secretary of State, in September 1817, Don Louis de Onis, His Catholic Majesty's minister at Washington, called to protest that his residence had been "insulted."<sup>1</sup> Windows had been broken, and a dead fowl tied to his bell rope. Was he to infer that Americans considered Spain a dead old hen! This was the beginning of unpleasant relations as long as Onis remained in Washington. Under such inauspicious beginnings Adams undertook a settlement of the Spanish problem by the purchase of Florida. To Onis it was

<sup>1</sup> The United States broke off diplomatic relations with Spain in 1808, when Napoleon placed his brother Joseph on the throne. Not until 1816 did Secretary Monroe formally receive Onis who had been seeking recognition since 1809. Monroe did not know that Onis, in 1811, had sought to encourage a slave rebellion in the South in order to prevent an expected attack on Florida in case of war.

Secretary Adams had ample occasion to distrust Onis, a proud Don (his titles required nine lines of the treaty of 1819) whom Adams found "cold calculating, wily"—little concerned with the truth—"bold and overbearing to the utmost extent to which it is tolerated." Onis' opinion of Adams was not flattering either. Under conditions less favorable for the United States successful negotiations might well have been impossible.

soon evident that Spain, unable to secure European assistance,<sup>1</sup> could hardly hope to keep Florida, and therefore could seek only to limit the boundaries of the United States west of the Mississippi. In April 1818, he was so instructed by the Spanish Foreign Office. But before a treaty could be concluded the news of Jackson's high-handed deportment in Florida bade fair to wreck everything. Bagot, hearing of the execution of the Englishmen, inquired of Adams whether Jackson had been authorized to seize the forts. Onís wrote a lurid letter and soon followed by a second demanding the return of the captured forts and punishment of Jackson. What would come of Adams' peaceful efforts to acquire Florida? Monroe was embarrassed. How could he disavow the acts of the popular hero of New Orleans? Fortunately Parliament was not in session when the news reached England, and Castlereagh took the ground that Arbuthnot and Ambrister were "engaged in unauthorized practices" which left them without claim for protection.

*Spanish negotiations endangered*

In the American cabinet only Adams defended Jackson's arbitrary action. Calhoun favored censuring Jackson openly, but the discussions were kept secret. Not for twelve years was Calhoun to feel the wrath of "Old Hickory." Adams, in a ringing note to Onís, warmly defended Jackson and placed the blame squarely upon Spain. She had failed to keep her Indians under control, as she was obligated to do by Pinckney's treaty (1795). Consequently in self-defense the United States was driven to action.

*Adams defends Jackson*

The French minister, Hyde de Neuville, interceded, and negotiations were resumed. On February 22, 1819, the treaty was signed. For \$5,000,000 the United States acquired "all the territories which belong to [Spain] situated to the eastward of the Mississippi, known by the name of East and West Florida."<sup>2</sup> Another provision

*The Florida treaty, 1819*

<sup>1</sup> Spain reluctantly abandoned hope of assistance from England or France. At the time of the negotiations at Ghent she sought such aid to save Florida and regain Louisiana; but Europe had had enough of fighting. In 1817 Spain sought mediation from England. Castlereagh was willing to make a gesture; but when the United States turned down the British offer, Spain was left without even diplomatic support. Castlereagh was too much concerned with establishing friendly relations and understandings with America to risk anything on Spain.

<sup>2</sup> Each country had pecuniary claims against the other. These were mutually renounced by the treaty. But since sound American claims were far in excess of the Spanish, the United States agreed to assume the claims of its own citizens to the extent of \$5,000,000. One item in the Spanish claims was a bill for escorting Pike back to the United States in 1807.

*Southwest  
boundary*

formally abrogated the Spanish right to navigate the Mississippi.

Of greater importance was the establishment of a definite southwest boundary for Louisiana. Adams claimed the Rio Grande because La Salle had explored in that direction in the 1680's. But the Frenchman had gone there by mistake and was trying to leave when he was murdered; so the claim was shadowy at best. No definite boundary separating French and Spanish claims was ever agreed upon before France ceded Louisiana to Spain in 1763; but the watershed not far from the Red and Sabine rivers was a natural line separating outposts of the two, and had been tacitly accepted.<sup>1</sup> Adams did not know that Napoleon had given secret instructions to General Victor, in 1802, to occupy everything to the Rio Grande. However, the pretensions of Napoleon did not necessarily mean that he had any right to them, and in this case they certainly did not control Spain.

*Oregon*

Stubborn fighter that he was, Adams favored holding out for Texas, but gave way to Monroe and the cabinet. Monroe, facing a bitter fight over slavery in Missouri, was afraid the definite acquisition of Texas would aggravate the struggle, while Crawford did not wish to jeopardize the chance of securing Florida by prolonging the negotiations. So the treaty called for a boundary extending from the Sabine northwest to the forty-second parallel, and thence to the Pacific.<sup>2</sup> The United States, therefore, not only established a definite southwest boundary for Louisiana but fell heir to Spanish claims in Oregon—such as they were—and thereby strengthened her claims to a region where only a few months earlier Great Britain had recognized the United States as an equal.

Thus by treaty, consummated through the expert diplomacy of Adams, the United States acquired that which "manifest destiny" might have given in due time; but, like some other American successes, it was the direct result of a situation which found the

<sup>1</sup> The most eastern Spanish post of consequence was Nacogdoches near the Sabine, and the most western French post was Natchitoches on the Red River. In 1806, Wilkinson had agreed with Spanish officials upon the Sabine as a temporary military boundary.

<sup>2</sup> The carefully described boundary was to be the western bank of the Sabine to the thirty-second degree of latitude, thence due north to the Red, along the south bank of the Red to 106 degrees west longitude, thence due north to the Arkansas, and along its south and west bank to the source, thence due north or south to the forty-second parallel.

European powers temporarily too sick of strife to aid one of their languishing sisters. Not for two years after the signing did the treaty become effective. In order to prevent the United States from recognizing the independence of her former colonies in Latin America, Spain withheld formal approval until October 1820. Ratifications were finally exchanged on February 22, 1821.

Developments in Latin America had been the cause for lively American interest for several years. There the seeds of revolution broadcast by the American War for Independence took precarious root, and growth was slow. The small ruling class of Castilians was content with the unchanging regime of Spain, while the great mass of peonized Indians, Negro slaves, and mestizos hardly dared dream of a bettered status. So for three centuries Spanish absolutism was seldom challenged. Not until 1808, when Ferdinand VII was deposed by Napoleon, did a real change occur. Then the various provinces set up revolutionary governments professedly loyal to Ferdinand and abolished the old arbitrary Spanish commercial system by which all foreigners were barred from trade.<sup>1</sup>

*Latin  
America*

When Ferdinand VII was restored in 1814 he attempted to reestablish the old colonial system, whereupon revolt flared out under Jose San Martin in the south and Simon Bolivar, successor to Miranda, in the north. For two years it appeared that the revolutionary movement might be crushed. Spanish armies won victory after victory. Bolivar sought safety in the West Indies, while Martin struggled against obstacles much like those Washington faced during the dark days of the American Revolution. But the tide turned against Ferdinand and his armies. In January 1817 San Martin led his small, well-trained army across the Andes—a feat more remarkable than that of Hannibal and Napoleon in crossing the Alps—and routed the Spanish forces in Chile. A republican government was organized, and one of his chief officers, Bernardo O'Higgins, was chosen governor. San Martin then pre-

*Revolution.  
Martin and  
Bolivar*

<sup>1</sup> Since the days of the American Revolution, Francisco Miranda of Venezuela had flitted about seeking outside help; but his best efforts to make his province first in Latin American independence were frustrated in 1812 by an earthquake, and he spent his remaining years in a Spanish prison. Two years earlier Miguel Hidalgo, a white-haired, green-eyed priest, led a premature revolution in New Spain (Mexico) and terminated his career before a firing squad. The path of freedom was sprinkled with blood.



Cochrane

pared for the invasion of Peru. In the meantime Bolivar had resumed the struggle in the north. He matched the exploit of Martin by scaling a 13,000-foot mountain wall, and in 1821, largely through his legion of British veterans of the Napoleonic war, defeated the Spanish in Venezuela. On the Pacific coast Lord Thomas Cochrane, recently of the British navy, with a small Chilean fleet composed largely of ex-British ships, was operating with such effective dash and fervor as to win the nickname, "the Devil."

In July 1822 Bolivar and San Martin held a conference in Peru, after which the latter voluntarily left the field to his glory-seeking rival for revolutionary honors. In that same year only one Spanish army remained in Latin America (it was defeated in 1824). All the provinces had established *de facto* independence, and of the once far-flung colonial empire nothing was left to Spain in the Western Hemisphere except Cuba and Porto Rico. Brazil broke away from Portugal in 1822.

Policy of the  
United  
States

From the beginning of the struggle Americans watched with great sympathy. Officially the United States remained neutral, but full belligerent rights were accorded the revolutionists, and as early as 1810 agents were sent to watch developments. The overthrow of the old Spanish colonial system meant the opening of new trade for the United States; however, as late as 1821, less than three per cent of American foreign trade was with South America. Until after the United States recognized the independence of the leading republics (1822) economic interests were to remain a negligible factor in determining American policy.

President Monroe was much interested in the success of the revolutionists, but his position dictated great caution, especially during the two years that Spain was refusing acceptance of the Florida treaty in order to prevent American recognition of the new republics. But no such restraints hampered the highly influential Clay whose deep-seated convictions were sharpened slightly by Monroe's failure to make him Secretary of State. For ten years he thundered in their behalf, and his speeches were read in Latin America to fire the zeal of patriot armies.

The final ratification of the Florida treaty removed a great obstacle to recognition. In March 1822, Monroe recommended

recognition of the new republics and provision for the sending of ministers. The United States was the first outside nation to take such action. Meanwhile Great Britain was garnering in such commercial advantages as the international situation afforded. Long realizing the possibilities in South American trade, Britain sought its development after the French and Spanish defeat at Trafalgar left Spain powerless to exclude foreigners. But with the restoration of Ferdinand, Englishmen stood to lose their commerce unless they bestirred themselves. They did. Hence a British legion under Bolivar, British ships under Cochrane, and money from British merchants. So Britain's economic interests continued to expand. By 1822 her exports to South America exceeded those to the United States. Castlereagh tried to mediate between Spain and her colonies on the condition that trade remain open. Failing in this, he was preparing for recognition of the new states when a razor cut short his career. Canning carried on for Castlereagh, and Spain sought help from the Holy Alliance.

*British  
interests*

The Holy Alliance, formed September 26, 1815, by the rulers of Russia, Prussia, and Austria, represented Tsar Alexander's idea of applying the precepts of Christ to the relations of rulers both with their subjects and with one another. After a short time no one except the pious King of Prussia took the alliance seriously, but it was signed by every ruler of Europe great and small except the King of England, the Pope, and the Sultan. The United States was invited to join, but Secretary Adams was not to be caught off guard by the prospects of sitting in upon European affairs. He replied that, "To stand in firm and cautious independence of all entanglements in the European system had been a cardinal point of their policy under every administration of their government from the peace of 1783 to this day. . . . As a general declaration of principles . . . the United States not only give their hearty assent to the articles of the Holy Alliance, but will be the most earnest and conscientious in observing them. But . . . for the repose of Europe as well as of America, the European and American political systems should be kept as separate and distinct from each other as possible."

*The Holy  
Alliance*

The Quadruple Alliance, composed of Great Britain, Russia, Prussia, and Austria (November 20, 1815), was Castlereagh's

*Quadruple  
Alliance*

common-sense idea for maintaining the peace of Europe by co-operation through occasional conferences. But the alliance was soon diverted from its original object, and the Holy Alliance became the name applied to the whole system of diplomacy through conferences, as well as the reactionary program, which followed.<sup>1</sup>

*Doctrine of  
intervention*

As early as 1818 Britain was out of sympathy with the continental allies (which included France from that date), and took no part in the ensuing suppression of revolutionary movements which appeared in Europe. Acting as agent for the Holy Alliance, France early in 1823 took the necessary steps to crush a revolution in Spain and save Ferdinand's throne. What would be the next step? might the Holy Alliance not help Ferdinand recover his colonies? A European conference for a discussion of the question was in contemplation. The project of a joint Franco-Spanish expedition for this purpose was freely talked about, and it was rumored that France would take territory for her reward. Once more she might be established in the Western Hemisphere to the disadvantage of her ancient rival, England. What possibilities of trouble for the United States if European rivalries, such as obtained before 1763, should find a battleground in America! What danger for the future of democracy in government! Disquieting as such potentialities now appear in retrospect, there was nothing in official dispatches from American foreign legations that was considered alarming until the famous proposal of Canning reached Washington early in October 1823.

*Canning's  
dilemma*

Obviously, for Britain the time for definite action had come. Why not recognize the independence of the Latin-American Republics, as Monroe had suggested several times since 1817, and thus checkmate France? Logical as the step would have been, Canning held back: King and Tories must be taken into account, England had colonies, and the Irish might embrace dangerous notions. So, instead, after sounding the American minister, Richard Rush, on the proposition of a joint declaration against European intervention in South America, Canning made a definite proposal (August 20, 1823) for Anglo-American understanding.

*Proposal  
to Rush*

<sup>1</sup> The Holy Alliance, as such, really amounted to nothing, and was not the implement through which the reactionary continental powers carried their policies. Contemporaries, however, used the term, and for us to do otherwise would lead to confusion.

England, he wrote, "conceived the recovery of the colonies by Spain to be hopeless," believed "that the question of their recognition as Independent States, was one of time and of circumstance," that Britain "aimed at the possession of no portion of the colonies," but "could not see the transfer of any portion of them to any other Power, with indifference."

It was a clever scheme. Joint action would prevent the Holy Alliance from gaining a foothold in America; England could save her commerce and gain prestige in Latin America without recognizing the republics, draw American influence to English advantage in European affairs, and prevent the United States from acquiring Cuba.<sup>1</sup>

To Canning's proposal Rush indicated a willingness to cooperate provided England would recognize the new republics, and hurried dispatches home to Washington. When they arrived on October 9, Monroe for the first time was gravely disturbed over the prospect of European intervention. Before consulting his cabinet he sent copies to his old friends and counselors Jefferson and Madison, stating his own opinion that the British offer should be accepted. *Monroe sees advice*

The "Sage of *Monticello*" was drawn from the classics and his philosophical reflections with a start. He had not been a lover of England, and entanglements with Europe he deplored; but here was a situation with profound possibilities. In a long letter he strongly urged acceptance: *Jefferson*

The question . . . is the most momentous which has ever been offered to my contemplation since that of Independence. That made us a nation, this sets our compass and points the course which we are to steer through the ocean of time opening on us. . . . Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and peculiarly her own. She should therefore have a system of her own, separate and apart from that of Europe. . . . Great Britain is the nation which can do us the most harm of any one, or all on earth; and with her on our side we need not fear the whole world. . . . Not that I would purchase even her amity at the price of taking part in her wars. But

<sup>1</sup>Since the fall of 1822 Canning had been much disturbed over the future of Cuba, for it was known to him that revolutionary interests in that island had sought American aid and eventual admission to the Union.

the war in which the present proposition might engage us, should that be its consequence, is not her war, but ours. Its object is to introduce and establish the American system, of keeping out of our land all foreign powers, of never permitting those of Europe to intermeddle with the affairs of our nations. It is to maintain our own principle, not to depart from it. And if, to facilitate this, we can effect a division in the body of the European powers, and draw over to our side its most powerful member, surely we should do it. But I am clearly of Mr. Canning's opinion, that it will prevent instead of provoking war. With Great Britain withdrawn from their scale and shifted into that of our two continents, all Europe combined would not undertake war. . . . Nor is the occasion to be slighted which this proposition offers, of declaring our protest against the atrocious violations of the rights of nations, by the interference of any one in the internal affairs of another, so flagitiously begun by Bonaparte, and now continued by the equally lawless Alliance, calling itself Holy.

*Madison*

Madison not only agreed with Monroe and Jefferson, but even went further and suggested a declaration respecting Greek independence. So the three elder Virginia statesmen were agreed upon joint action with Britain as the proper course. But the step was never taken, and the determining influence in preventing it was Monroe's astute Secretary of State.

*Opposition  
of Adams*

Adams' long experience in European diplomacy had broadened his understanding and deepened his suspicion. Since 1809 he had had a particular interest in thwarting Russian pretensions in the Pacific Northwest. In 1816 the Russian-American Company established a trading post (Fort Ross) near San Francisco; then, in 1821, the Tsar issued an imperial decree forbidding all foreign vessels to come within 100 Italian miles of the coast as far south as the fifty-first degree of latitude. Confiscation of vessel and cargo was the penalty for such transgression. Britain and the United States both protested. Adams, in July 1823, said to Baron Tuyl, the Russian minister, that the United States would not only contest Russian claims to territory covered by the decree, but "to any territorial establishment on this continent."

*Adams'  
reasoning*

When Canning's offer arrived, Adams was "set" for a strong pronouncement against any further extension of European influence in this hemisphere. He was not afraid of intervention by the Holy Alliance in the interests of Spain: he knew Europe too

well for that. Why, indeed, would the allies waste blood and treasure to help Spain reestablish her old system of excluding all foreigners "upon pain of death, to set foot upon those territories"! Moreover, he reasoned, Spain could offer no bait that would draw England into the scheme, and with the British navy ready to protect English economic interests the Western Hemisphere was safe. Monroe, on the other hand, was little concerned with the Russian problem; but, together with Calhoun, Secretary of War, was convinced that the Holy Alliance would soon act to restore Spain's lost colonies. In Adams' caustic words, Monroe was "alarmed far beyond anything that I could have conceived possible," while Calhoun was "perfectly moonstruck" at the danger.

Throughout most of November cabinet discussions were held. Adams early expressed the sentiment of all when he declared that "it would be more candid as well as more dignified" to make a clear and independent announcement of principles rather than "come in as a cock-boat in the wake of the British man-of-war." Aside from Adams' unwillingness to play second fiddle to England was another motive for independent action: he had no inclination to bind the United States not to acquire more territory as Canning had proposed. "Manifest destiny" might lead America far—maybe Cuba would someday gravitate into the American fold. American interest in the future of that island goes back to Jefferson's presidency. In 1805, Jefferson told the British minister that the United States would take Cuba in the event of war with Spain. Madison, in 1810, said that the United States could not be a "satisfied spectator" if it should change hands. In the spring of 1822 J. Q. Adams wrote: "In looking forward to the probable course of events for the short period of half a century, it seems scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself."

*Cabinet  
discussions*

*Cuba*

The determining influence respecting Canning's proposal of a joint declaration was the advice of Adams. It was Adams, too, who finally persuaded Monroe to exclude expressions of sympathy for the Greeks, who were struggling for their independence. This Monroe was loath to do; for in America at the time a wave of enthusiasm for the Greek cause had swept even to the frontier, pro-

ducing a revival of interest in the classics, as well as many propositions for giving aid. But Adams saw clearly the inconsistency of meddling in European affairs while protesting against European interference in this hemisphere. It was Monroe, however, who made the decision to deal with the South American question. Adams wished to limit the pronouncement to a protestation against Russian colonization in the Northwest.

*Monroe's  
Declaration*

In his message to Congress, December 2, 1823, Monroe delivered in clear and dignified language a statement of American policy that in time came to be called the Monroe Doctrine. It is easily one of the most important documents in the history of American diplomacy. As originally announced, the doctrine contained two fundamental principles:

(1) No future colonization in the American continents by any European power, nor any extension of their political system to any portion of this hemisphere.

(2) Nonintervention in the politics or wars of Europe "in matters relating to themselves. . . ."

And so was given formal and lasting expression to the American ideal of isolation—a principle as old as the presidency of Washington. The noncolonization feature was Adams' contribution, and was designed for Russia's special benefit; but, strangely, it had no effect upon the negotiations which led to Russia's acceptance (1824) of the latitude of 54° 40' as the southern limit of her claims.

*Effect of  
declaration  
in Europe*

What immediate effect did Monroe's announcement have upon Britain and the Holy Alliance? So far as intervention in South America was concerned, it had none. In fact, nearly two months before Monroe's famous message to Congress, the danger of positive action was passed.<sup>1</sup> Moreover, it had but temporary effect in Europe, and that was to rouse rather general resentment and contempt. Canning professed to be pleased but was considerably piqued, for the bold utterance of Monroe was not in line with his plans. His boast, that "he called the New World into existence to redress the balance of the Old," was a pleasant but empty one.

In Latin America less importance was attached to the American

<sup>1</sup> On October 2, Canning delivered what amounted to an ultimatum to the French minister in London: Europe must keep her hands off Latin America. In reply, France assured Britain that force would not be used; she would not seek territory in America, and Spain she believed had no chance of recovering hers.

position, as expressed in Monroe's message, than to the British attitude. Britain could exert her influence in Europe in behalf of the new republics; she had more capital to invest, and she had more favorable commercial advantages to offer. In America the message was well received but soon generally ignored, until revived years later. The great importance of the doctrine lay in the future. Actually, it marked the political separation of the Old World and the New. The era of European colonization in the Western Hemisphere had ended, and only once (French efforts in Mexico, 1862-1867) has a really dangerous attempt been made to overthrow an American republic.

*In Latin  
America*

*A doctrine of  
the future*



## Chapter Twenty-Eight

### GROWING SECTIONALISM AND PARTY POLITICS

*Basis for  
change*

**B**EFORE 1820 the fine spirit of nationalism that made possible the tariff of 1816 and the Second Bank of the United States was fading before the rival forces of sectionalism. Changing economic interests of states and sections were reflected in politics by the efforts of leaders to bring about combinations between them, and thus secure through federal enactment the desired benefits. Clay was among the first to grasp the necessity for securing such combinations, and he labored diligently to effect them—hoping always to find solutions acceptable to all sections. Calhoun, one of the most pronounced of all nationalists before 1820, became in the next decade an outstanding champion of sectionalism. Indeed, by 1830, the sectional lines which were to endure to the Civil War were well established. An understanding of the period suggests a brief survey of the principal sections.

*New  
England*

New England was geographically and socially a distinct section. With a population of almost unmixed English ancestry, and a strong Puritan background providing moral unity, she had played a leading role in American life. But by 1820 her relative importance was declining. Her population growth was falling far behind that of other sections, while changing economic forces prevented the old unity of action. Had it not been for the rise of manufacturing her economic life might well have become stationary. With the return of peace, Europe could carry her own commerce; consequently the advantages that New England had enjoyed slipped away and her foreign trade went into a decline. Since 1807 many merchants had transferred their capital from commerce to manufacturing. Abundant water power, a skilled labor

supply tutored by generations of spinning and weaving in the home, and the New England habit of industriousness and good management caused the factory system to expand rapidly. The value of the products of New England's cotton and woolen mills increased seven times over during the decade of the 'twenties. Power devices—fruit of Yankee skill—explain much of this growth.

The rise of factories was accompanied by an agricultural decline. The demand for wool stimulated a great increase in sheep raising which, in turn, resulted in many enclosures. Moreover, New England farmers could not compete with the cheaper grown products of the West and the reduced cost of transportation resulting from internal improvements. In great numbers they deserted their farms and helped swell the population of the expanding West. In New England by 1830, therefore, commerce and agriculture had given way before manufacturing; her political leaders, including Daniel Webster, were converted to protection; and the section had become protectionist, as it has remained to this day.

The middle region—New York, Pennsylvania, New Jersey, and Delaware—was a much more rapidly growing section. Situated *Middle states* between New England and the West, partaking of both, and peopled by English, Dutch, German, and Scotch-Irish, this section was a battleground for great political issues of the day. It became definitely protectionist even earlier than New England. Pennsylvania, with her iron interests, was the first state to develop manufacturing extensively. Agriculture remained the dominant pursuit of this section, but the return of peace in Europe had ruined the world market for foodstuffs. Giving ear to the argument that the development of the home market would be to their advantage, farmers too became protectionists. The importance of internal improvements as a profitable connecting link between New England and the West was grasped early. It was not by accident that the great internal improvements of early days were in this section.

In the South Atlantic states—Maryland, Virginia, the Carolinas, and Georgia—a transformation destined to be more significant for *Old South* the nation than that of any other section was in rapid progress. The most important single factor in producing this change was the

invention of a successful cotton gin by Eli Whitney in 1793.<sup>1</sup> The growth of cotton in the mainland colonies from New Jersey to Georgia—first undertaken in Virginia soon after the founding of Jamestown—was discouraged by English trade regulations (after 1660) and, to a still greater extent, by the difficulty attending the separation of the fiber from the seed. For the “cotton wool” grown in America in those days was the short-staple variety with tightly clinging large greenish seeds. The outcome of the Revolutionary War freed Americans from British restrictions on the manufacturing of cotton goods and hence encouraged the growth of the fiber. Moreover, in England, the recent invention and improvement of power machinery for spinning and weaving provided increased markets and a further stimulus. But it was not until the long-staple, or “sea-island,” variety was introduced in South Carolina about 1786 from the Bahamas that cotton growing became profitable. Sea-island cotton had small black seeds which could be separated readily from the silky fibers by the use of simple rollers. A strong demand for this excellent variety pushed prices at Liverpool as high as five shillings per pound before 1800. However, sea-island cotton could be grown only on the low-lying coastal region: Whitney’s gin made short-staple cotton profitable on the uplands.

Stimulated by the greatly increased demand which a revolution in the textile industry produced, South Carolina and Georgia, followed by Virginia, North Carolina, and the growing Southwest, eagerly sprang to the challenge of wealth from a new source. In 1791 the total American production of cotton was approximately two million pounds; ten years later it had increased twenty-fivefold. Rice growing, previously the chief source of wealth for the aristocracy of tidewater South Carolina and Georgia, lost its importance. The production of indigo was already a thing of the past. Gone, too, was the prosperity of the Virginia tidewater area—the old center of tobacco culture—and with it the

<sup>1</sup> Young Whitney, just out of Yale, was visiting the family of General Nathanael Greene on the plantation near Savannah which had been presented to the soldier by a state grateful for his Revolutionary services. Incorporating an idea suggested by Mrs. Greene, Whitney produced a practicable gin, and won the \$5000 prize offered by Georgia.

political leadership which Virginia had enjoyed from Washington to Monroe.

In 1820 the value of the cotton crop of South Carolina and Georgia, nearly all of which was shipped to Europe or to the North, was not far from half the total value of all domestic exports from the remainder of the United States. But the seeming advantage enjoyed by these seaboard states was not without serious threats to their prosperity. For already overproduction had resulted in lower prices for their cotton, and this in the face of competition with the virgin soil of Alabama and Mississippi. The natural reaction on the part of the planter was to increase his cotton acreage in order to prevent a serious reduction of income. But increased acreage meant increased costs, including the big item of additional slaves at higher prices. Partly because of the outlawing of the foreign slave trade in 1808, the supply of slaves failed to keep pace with the demand. In 1798 a prime field hand could be had for about \$300, but by 1820 he would cost three times as much.<sup>1</sup>

*Problems  
in cotton  
production*

Another important factor in plantation economy was declining fertility of the soil. With rare exceptions cotton growing, like tobacco culture, was a destructive system of soil mining which destroyed the profitableness of most uplands within twenty-five years. Hence the urge, and even necessity, for acquiring new lands. The eager purchase of land in Alabama during the Great Migration, at federal auction for over \$100 per acre, is eloquent of the impending decline of South Carolina, as well as the intoxicating prospects of wealth prior to the depression of 1819.

In brief, by 1820 a considerable portion of the South was undergoing an economic and social transformation of the most far-reach-

<sup>1</sup> Relationship between the amount of cotton grown, the average export price (uplands) at New York, and the approximate cost of prime field hands:

Year	Amount (millions of pounds)	Price per pound (cents)	Price of prime field hands (dollars) in:		
			Virginia	Charleston	New Orleans
1800	37	44.0	375	500	500
1805	73	23.4	425	550	600
1810	89	15.6	500	550	900
1815	105	29.4	475	500	650
1820	177	16.1	700	800	1100
1825	265	12.2	400	500	800

ing consequence. It had turned to the production of a staple which was to determine the economic destiny of the section for generations to come, and, in so doing, had given new life to the dying institution of slavery.

*Growing  
Southern  
dependence*

With the ever-increasing production of cotton the South became progressively more dependent upon the outside world. As early as the 'twenties she was importing a considerable share of her food supply, as well as other articles, from the North instead of producing it herself. But whether buying merchandise from Europe or the North, prices were enhanced through the operation of the tariff, and this in the face of declining prices of cotton. Producing much more cotton than the United States could consume, the price was determined by the world market; hence protective duties on cotton textiles could not aid the cotton planter. Actually it had the opposite effect. The mounting economic dependence of the Old South was reflected through her leaders in a growing opposition to national policies which seemed either to increase the power of the North or enhance the prestige of the national government at the expense of the states. Hence a new attitude toward both the tariff and internal improvements.

*Changing  
attitude  
toward tariff*

In 1816 Southern leaders generally—notably Calhoun and Lowndes of South Carolina—supported the protective tariff of that year. They were moved by the prevalent spirit of nationalism to aid manufacturing in order to make America independent of England. Moreover, they believed that manufacturing might well develop in the South, which had water power even as New England, and cotton besides. But soon Southern nationalists had reason to regret their action. Manufacturing did not develop as expected, and migration left the coastal states in a static condition. The value of land declined, and in competition with the newer soil of the Black Belt eastern planters were hard hit by the steady fall in the price of cotton and the mounting cost of production. Migration affected New England, too; but there the rise of manufacturing proved a compensation for the loss. Seeking something to blame for a condition which overproduction and a wasteful system of agriculture had produced, Southerners attacked the tariff as a measure designed to build up the North at the expense of the South.

The voting on the tariff bill of 1820 showed how quickly a section could be converted on a question of national policy. In that year the beneficiaries of the tariff of 1816 were seeking still greater benefits. Their case was greatly strengthened by the business stagnation produced by the panic of 1819. With manufacturers and labor desperate, and with prices of staples in the Middle states at charity levels, a bill was introduced in Congress calling for increased protective duties. It passed the House by a narrow majority but failed in the Senate by a margin of one vote. New England was still evenly divided—manufacturing interests had not yet overcome the commercial—the Middle Atlantic states and the Northwest were virtually unanimous in favor of protection, while the South and Southwest were almost solidly opposed. Thus early, save for New England, the tariff became a distinct sectional issue.

*Tariff bill of  
1820*

The protectionists did not give up the fight with their defeat in 1820. Year after year they returned to the attack, and in 1824, thanks to the elaboration of Clay's "American System" which combined internal improvements with the tariff, success crowned their efforts. As the West's leading spokesman in Congress, Clay was desirous of making possible some of the internal improvements which that section demanded. Second only to the frontiersman's need for land, and the money with which to pay for it, was his need for better means of transportation. What good could come from producing surplus corn or bacon if the cost of reaching a market was prohibitive? How purchase the articles of Eastern manufacture when, for example, freight rates from Philadelphia to Pittsburgh, as late as 1817, were as high as seven to ten dollars per hundred pounds? By 1817, it is true, the West was on the threshold of important changes. In that year the first steamboat breasted the waters of the Mississippi and the Ohio to Louisville. Previously it had required about three months for keelboats to cover the 1500 miles from New Orleans. Most articles of freight could not stand the necessary transportation charges. By 1822 the upstream trip could be made in half a month, while freight rates were reduced to one-third what they had been. In 1818 the Cumberland Road was completed to the Ohio, resulting in a reduction of freightage costs to approximately half what they had been three years earlier.

*Clay, and  
Western  
needs*

The  
"American  
System"

The effect upon Western thinking was tremendous. What possibilities in economic betterment could be envisaged in additional roads, and in short canals to encompass rapids or connect other navigable streams! However, the desired improvements would have to be constructed at the expense of the national government: the West did not possess the means. In 1824 the arguments elaborated by Clay in behalf of his "American System" were sufficiently inclusive and convincing to secure narrow majorities in both houses for a tariff law, and to secure both the votes and Monroe's signature for a General Survey Act authorizing the survey of such roads and canals as the President might consider important for commercial, postal, or military uses.

Clay's "American System" was designed to give the nation *economic* independence—a parallel for the Monroe Doctrine (1823) which was an announcement of *political* independence. Recovery from the panic of 1819 was not yet general. Why, asked Clay, this paradox of bankruptcy in the midst of plenty? He had both an explanation and a remedy. His explanation was the loss of foreign markets because Europe had returned to the pursuits of peace; the remedy, further development of "home markets" by supporting manufacturers which in turn would create an increased market for the farmer's products and give to him the means of buying the output of factories; and, finally, the building of roads and canals to expedite the transfer of raw and finished products between farm and factory.

Tariff Act,  
1824

Such arguments were compelling for the Northwest and Kentucky but held no charm for the Old South and much of New England. Robert Hayne of South Carolina matched the logic of Webster in opposition. For the first time in a tariff debate the constitutionality of a protective tariff was questioned; but the South laid less emphasis upon the argument than upon the injustice to her section. Randolph, extreme as usual, flouted the Constitution and threatened forcible resistance. "A fig for the Constitution," he exclaimed. "When the scorpion's sting is probing to the quick, shall we stop to chop logic?" Excepting Kentucky and Maryland, the bill received in the House only three votes south of Mason and Dixon's line: excepting New England and New Jersey, only one vote was cast against it north of the line.

The General Survey Act (of 1824) was the fruit of long labor on the part of champions of internal improvements. Madison's veto of the Bonus Bill in 1817 placed an enduring check on the aspirations of the young nationalists. As late as 1822 Monroe's constitutional scruples were not yet overcome, and "with deep regret" he vetoed a bill for the repair of the Cumberland Road. But in 1824 he at last "saw the light," and signed the General Survey Act which had passed Congress over opposition chiefly from New England and New York, together with a few representatives from the Old South who were afraid that construction of internal improvements at national expense would enhance the prestige of the Federal Government to the detriment of the states.<sup>1</sup> Randolph voiced the fears of a growing number of slaveholders when he declared that if Congress possessed the power to do what the bill proposed it might also free all slaves in the United States. He advised the South to "Keep on the windward side of treason" but to oppose the exercise of new powers by "every means short of actual insurrection."

*General  
Survey Act,  
1824*

Clay's "American System" gave to the election of 1824 a definite national program; but the campaign was singularly one of personalities rather than issues. Early in Monroe's administration there began in his cabinet a scramble for political advantage against the day when he would not be a candidate for a third term. The election of 1820 was merely an interlude. The moribund Federalist party did not name candidates, and Monroe missed unanimous reelection by only one electoral vote.<sup>2</sup> But this outward appearance of harmony was misleading. Actually the disappearance of the Federalist party removed the incentive for unity among Republicans. They split into factions which angled for the support of other factions and schemed for nomination. In the campaign leading to the election of 1824 six outstanding men had strong support at one time or another; but the wise, fair-minded Lowndes met untimely death at sea, and Calhoun withdrew, leaving the

*Background  
for election  
of 1824*

<sup>1</sup> From the practical point of view large slaveholders, generally residing on or near large rivers down which their cotton could be floated to a shipping point, were not so much in need of roads or canals as other sections.

<sup>2</sup> William Plumer, presidential elector of New Hampshire, gave his vote to J. Q. Adams, not because he did not wish Monroe to have the honor which had been Washington's but because he did not approve some of Monroe's policies.



field in the final stages to Crawford, Adams, Clay, and Jackson.

*William  
Crawford*

In childhood, the Virginia-born Crawford had migrated with his father first to South Carolina then to Georgia. He taught school, was admitted to the bar, became prominent in Georgia politics, killed his man in a duel, and in 1807 entered the United States Senate as spokesman for the planter class of his state. Handsome, endowed with a magnificent physique, clear-headed, and with pleasing personality, he quickly showed a capacity for fearless action and made a place for himself in the public arena. After two years as minister to France, he served as Secretary of War, then Treasury, continuing at the latter post under Monroe with marked success. Had it not been for Madison's support of Monroe, Crawford might well have been nominated in 1816. Before 1824 he was contending with Calhoun for the mastery of the South.

*John Quincy  
Adams*

From the standpoint of long and efficient public service, John Quincy Adams, son of the second President, was best qualified of all the presidential aspirants; moreover, as Secretary of State, he was first in line for what had become the order of presidential succession.<sup>1</sup> His European experience began when, as a boy of eleven, he accompanied his father to Paris in 1778. He studied in Europe and at Harvard, and at a youthful age had laid the foundations for the broad education which served him so well during his long public career. Before becoming Secretary of State, in 1817, he had seen service in the United States Senate and had been sent on diplomatic missions to several European countries, including Russia and England. Unfortunately, this rich background of experience was not matched by an attractive personality. He had none of the charm of Clay nor the impetuous dash which made Jackson the "Old Hero." Unpopular even in New England, he must have run a poor race indeed had he not been the only candidate north of the Mason and Dixon Line.

*Henry Clay*

Henry Clay was in many ways the exact opposite of Adams. Born in the Virginia County of Hanover, made famous by Patrick Henry, he knew as a small boy the violence of a raid by Tarleton's dragoons mounted on Virginia race horses. His father was a

<sup>1</sup> As a Federalist member of the United States Senate in Jefferson's administration he had supported the President's foreign policy, thus antagonizing powerful Federalists who virtually forced him to resign his seat. Having been read from his party, he soon joined the Republicans.



HENRY CLAY. PAINTED BY SAMUEL S. OSGOOD

*Courtesy of the New-York Historical Society, New York City*

Baptist preacher who owned slaves and wide acres. His mother came of a well-to-do family, and combined high character with unusual attractiveness. Clay's formal education was slight, but the old picture of the poor and unprivileged "Mill-Boy of the Slashes" is not an accurate one. At sixteen he became the amanuensis of the great jurist, George Wythe, who opened his extensive library to the eager youth. Four years later he was ad-

mitted to the bar, and soon thereafter he took the dangerous trail through the Cumberland Gap to Lexington, Kentucky, hung out his shingle, and prospered. He acquired land, married well, and in time built up the beautiful estate of "Ashland." Clay's great strength was the charm of his personality. Tall, rather loosely put together, nonchalant, impulsive, with a sensitive face and matchless voice, he was an actor who could move his audience and himself to tears—an opportunist who could rise to the demands of the occasion. Seeking office in the new state, he was challenged by frontiersmen to prove his fitness by shooting at a mark. His experience had not included the handling of a rifle, but he took the piece and centered the target. Thereafter he rested on his laurels, and never again tempted Providence to favor him with another bull's eye. When the War Hawks chose him Speaker of the House in 1811 his public career had already included terms in the Kentucky legislature, a professorship in Transylvania College, and the completion of two unexpired terms in the United States Senate.

*Andrew  
Jackson*

Andrew Jackson, in the eyes of the West, personified the frontier of which he was an outstanding product. Born, in what is now South Carolina, of spirited Scotch-Irish parents a month after the death of his father, he early showed a capacity for holding his own in a region which placed a premium on fighting qualities. When the Revolutionary War began he was only eight, but was soon taking an active part in the bush-whacking activities of his section. He fought, was imprisoned, lost his brothers, and received at the hands of a British officer a scar which he always wore. His mother died nursing soldiers and went to an unmarked grave, leaving Andrew at fourteen alone in the world. In due time, after some experience with the ways of gentlemen in Charleston, he taught school and studied law; but was able to find time for cockfighting, horseracing, and squiring belles of the neighborhood. In short, he was an "up-and-coming" young blade.

By the age of twenty-one this frontier gift to the nation had been admitted to the bar, migrated to Nashville, been appointed prosecuting attorney, acquired a slave, met the charming lady whom he later married, and fought his first duel. Fearless and active, and fortunate in his connections, he quickly acquired politi-

cal prominence together with thousands of acres. When Tennessee was admitted to the Union Jackson was first choice for membership in the national House of Representatives. He rode 800 miles on horseback to take his seat, then did nothing noteworthy except to vote against resolutions approving Washington's administration. Soon he was appointed to fill an unexpired term in the Senate, but the life of a legislator proved so tame that he resigned after a short period of service. Jefferson, then Vice-President, afterward said that the rashness of the Tennessean's feelings was such that when he attempted to speak he could only choke with rage. Jackson's brief career as a legislator was followed by six years on the superior court of Tennessee—a position which he graced with energy and justice if not profound knowledge of the law. His great opportunity came when he was chosen to direct the campaign against the Creeks during the War of 1812. After New Orleans his place in the esteem of the West could not be shaken.

Jackson was the embodiment of the qualities which the West most admired—utter fearlessness, relentless purpose, dogmatic certainty—but he was far from being an uncouth backwoodsman. He considered himself a gentleman, and evidenced several earmarks of an aristocrat.

Each of the candidates enjoyed a strong following, but as late as the summer of 1823 Crawford's prospects seemed brightest. Then a stroke of paralysis wrecked his health. He was able to withstand the heroic ministrations of doctors who bled him twenty-three times in three weeks, and even received the nomination of a Congressional caucus, but his political career was wrecked as well. The action of the caucus did him more harm than good, for it was attended by only 66 of the 216 Republicans who might have been present. Consequently this old method of nominating candidates—already in disrepute, and not even used in 1820 when Monroe was reelected without being renominated—was so thoroughly discredited that it was never employed again. State legislatures temporarily took its place.

*Misfortunes  
of Crawford*

Adams' rectitude and sense of propriety forbade participation in the unseemly scramble for high office, but as Secretary of State he naively sought to remove his opponents from the contest by suggesting diplomatic missions for them. Jackson, for example,

might be minister to Mexico. All offers were politely declined. With all his capacity for gaging men and movements, Adams strangely underrated Jackson's strength, suggesting that the "Old Hero" be supported for the vice-presidency because his "name and character would serve to restore the forgotten dignity of the place, and it would afford an easy and dignified retirement to his old age."

*The electoral vote* When the electoral vote was in, Jackson led with the sizable plurality of 99, followed by Adams with 84, Crawford with 41, and Clay with 37. Calhoun was elected Vice-President by a very large majority. There is no way of determining how the people throughout the nation felt about the candidates—in several states the electors were chosen by the legislature, and in some states not all the candidates were before the voters—but manifestly the West, which had the power to make Clay President, favored Jackson instead.<sup>1</sup>

*The House elects* By provision of the Twelfth Amendment, the House of Representatives must choose from the three highest on the list whenever no candidate has a majority of the electoral vote. So to Clay fell the bitter honor of deciding which of his rivals should be President; for, as Speaker, he was not only the most influential man in the House but might be expected to swing the votes of the states which had supported him in the election.

*The role of Clay* There is good evidence that Clay had decided in favor of Adams even before Congress convened. The reason he gave for not supporting Jackson was fear of elevating a military chieftain to the presidency—the United States must not risk an Alexander the Great or a Napoleon—but far deeper than that was his fear of closing the door to his own future presidential hopes by placing the popular Westerner in office. Adams was unpopular and there-

<sup>1</sup> Clay was the West's greatest champion, but his "American System"—acceptable though it was—was not exciting. Clay's appeal, therefore, was to the intellect; moreover, his economic system held nothing for the South which had turned against the tariff. Jackson, on the other hand, possessed in striking measure those qualities which Westerners generally most admired, and his appeal was to their emotions. When a choice was dictated by the head or the heart, the latter generally prevailed. If Clay had won five more votes his name would have gone before the House where he was stronger than any of the other candidates. Clay's strength in the New York legislature entitled him to more votes than he received; while in the Louisiana legislature, where his supporters were more numerous than those of any other, he received not a single vote. In both cases effective combinations were made against him.

fore a safer bet. Furthermore, Adams appeared to be more sympathetic toward Clay's "American System" than did Jackson, and by supporting Adams he might strengthen an economic coalition of the North and West. Clay and Jackson had not been on very good terms since the days of Clay's criticism of Jackson's invasion of Florida, but on the other hand, Adams for ten years had classed Clay as a political enemy. Clay's decision to support Adams was decisive, and on February 9, 1825, Adams was chosen on the first ballot.<sup>1</sup> He received the votes of 13 of the 24 states, Jackson 7, and Crawford 4.

Clay had supported Adams without enthusiasm. Equally without enthusiasm Adams, three days after the election, offered Clay the Secretaryship of State. Clay accepted, but years later declared it to be one of his greatest political mistakes. For already the cry of "bargain and corruption" was abroad. It had taken definite form in an insulting and anonymous letter published prior to the House election—a letter charging Clay with the decision to support Adams in return for first position in his cabinet. Clay denounced the author as a liar and proposed a duel. But when the author proved to be a thick-witted cats-paw for the Jackson men, a representative from Pennsylvania noted only for his unusual leopard-skin coat, the idea of a duel was promptly abandoned. However the damage was done. In spite of good evidence to the contrary, the "bargain" charge lived to plague Clay for years. One minor result was a duel with Randolph. That genius, bordering on insanity, outdid himself denouncing Clay and pouring ridicule on the juncture of forces by Adams and Clay as a combination of the Puritan with the black-leg. On April Fool's Day, Clay challenged his tormentor, and at ten paces they twice exchanged shots. Fortunately no damage was done to anything—save Randolph's long dressing gown which sustained some punctures.

*The  
"corrupt  
bargain"*

Under high tension, as Monroe's administration came to an end, the old party organized by Jefferson split into factions which

<sup>1</sup> The vote of General Van Rensselaer decided the vote for New York, and therefore for the nation. He was undecided how to vote until, lifting his head after brief prayer just before the ballot box reached him, his eyes fell upon a ticket bearing the name of Adams. He considered this as the answer to his prayer, and voted accordingly.

soon appeared as two parties—one led by Clay and Adams, the other by Jackson. Convinced by his followers that he had been robbed of the presidency, Jackson denounced Clay as the “Judas of the West,” resigned from the Senate, and began a three-year campaign for election in 1828. The “Old Hero” was still too young for “dignified retirement.”

## Chapter Twenty-Nine

### THE SECOND ADAMS

**B**ECAUSE of circumstances connected with his election the administration of John Quincy Adams got off to a bad start, and for a disappointing four years failed to win the confidence of the people. The President himself was partly responsible for the situation. Seriously lacking in personal magnetism, and too conscientious to become a successful politician, this suspicious and hard-working Puritan could find little time for play or the means for cultivating wide friendships. His physical recreation was a solitary walk or a swim in the Potomac at early dawn;<sup>1</sup> his great desire, to serve the country he loved. Hungry for the approbation which the people withheld, his days were spent in unremitting labor.

Although the Republican party had split into warring factions, Adams hoped to continue the "era of good feelings" by a non-partisan administration like that of Monroe's first term. Consequently he not only left political enemies in office but even appointed others when he might have used the patronage to build up a following. John McLean of Ohio, for example, abused his power as Postmaster General to promote the interests of Jackson, but Adams stuck to his rule that fitness for office should be the only test for position. *The civil service*

To make matters worse, most of Adams' presidency was an extended political campaign for the election of 1828; for the followers of the disappointed candidates of 1824, including Vice-President Calhoun, united to make political capital at the expense of the administration. A popular President might have overcome

<sup>1</sup> Walking briskly to the river, Adams, like a small boy, would sometimes be undressed by the time he reached the water's edge. No wasting of precious time. He celebrated his fifty-sixth birthday by swimming for over an hour without touching ground.





JOHN QUINCY ADAMS. PAINTED IN 1795 BY J. S. COPLEY  
*Courtesy, Museum of Fine Arts, Boston*

this sort of obstacle, but Adams was unpopular even in New England. He dealt fairly with his enemies, but he could not pretend to love them, nor would he stoop to cultivate favor for the sake of policy. In brief, despite qualities which were an adornment to his office, nearly everything militated against him.

With sectionalism rife, Adams made the political mistake of proposing an administrative program of broad nationalism after the pattern sketched by the young Republicans of 1815. The nation, he urged, should have more roads and canals and a stronger navy; it should encourage manufacturing and agriculture, and promote a national university at federal expense. What dangerous heresy was this! Old Republicans were aroused. Jefferson even suggested that the Virginia legislature adopt resolutions similar to those of 1798.

*A program of  
nationalism*

Congress ignored Adams' recommendations for the most part, but heeded his advice in the field of internal improvements, where noteworthy advancement was made. The constitutional barriers which had restrained Madison and Monroe did not bother Adams, and so for a few years Clay's American System came into its own. Actually, more than twice as much was spent for roads and harbors during Adams' administration than during all previous administrations combined; but the sum (about two and a third million dollars) was so small that only a slight beginning was made in serving the country's transportation needs. By far the most outstanding federal project was the westward extension of the Cumberland Road. This National Road, as it was called, was planned to connect the capitals of the states north of the Ohio and westward to Jefferson City, Missouri. But progress in the field of transportation, together with the panic of 1837, caught the enterprise. In 1838, when grading had been completed to Vandalia, the early capital of Illinois, Congress made its last appropriation. The railway age was near at hand.

*Internal  
improve-  
ments*

In addition to construction on the National Road, the Federal Government made appropriations for harbor improvements, purchased stock in corporate undertakings, and furnished army engineers—the best in the land—to give much-needed assistance. But the sum total of federal contributions only partially met the requirements of the growing nation; consequently several of the

states attempted to supply their own roads and canals. Easily the most outstanding of such undertakings was the Erie Canal.

*The contest  
for Western  
trade*

For years the cities of New York, Philadelphia, and Baltimore had been rivals for the trade of the Ohio region. After the completion of the Cumberland Road (1818) Baltimore enjoyed a temporary advantage. But already the canal party in New York, under the leadership of De Witt Clinton, had gained control of the state government, and in 1817 had begun excavation. To Clinton, who had labored since 1812 on the project of construction with federal assistance, the canal promised to be a political as well as an economic bond of union between the West and the East. No federal aid was ever secured for the undertaking which, to most people, appeared staggering. Much of the territory through which the canal must run was virgin wilderness—swampy and fever-ridden—and the massive machinery which today makes such work easy was then not dreamed of. Eight years and nearly \$8,000,000 were necessary to stretch "Clinton's Ditch" 363 miles from the Hudson to Lake Erie. Then in triumph the *Seneca Chief* bore the governor's party from Buffalo to New York. Among the liquids that enlivened the progression was a keg of Erie water which was poured into New York harbor, thus symbolizing the joining of the Great Lakes with the Atlantic.

*The Erie  
Canal*

The results were far-reaching. Freightage costs over the route were cut to one-tenth what they had been, yet the canal paid for itself in nine years. The time required to cover the distance was reduced to a mere eight days! Settlement followed the canal, turned villages along the way into cities, and spread over the upper half of the Old Northwest. The population of Michigan Territory grew from less than 9000 in 1820 to more than 31,000 in 1830, and over 212,000 ten years later. New York City forged ahead to become the commercial metropolis of America, overshadowing not only Philadelphia and Baltimore but New Orleans as well—New Orleans, so confident of dominating the trade of the whole Mississippi Valley after the introduction of steamboats on the Mississippi.

*"Pennsyl-  
vania  
System"*

New York's success was an exciting stimulus to other states, especially Pennsylvania and Maryland. A system of turnpikes completed early in the century and connecting Philadelphia with the Ohio, at Pittsburgh, had given the complacent old "City of

Brotherly Love" a considerable initial advantage in Western trade. But the launching of the steamboat on the Ohio (1811) and the completion of the Cumberland Road (1818) had diverted trade to New Orleans and Baltimore, to the great dismay of Pennsylvania. Consequently, in 1825, her legislature authorized the survey of routes for possible canals westward to Pittsburgh, looking to a program of construction that would enable the state to rival New York. Unfortunately, optimistic engineers were unable to find a practicable way for operating canals across high mountains; so the result was the "Pennsylvania System"—a combination of railroads, canals, and inclined planes with stationary engines and cables—bridging the almost 400 miles from Philadelphia to Pittsburgh and finished by 1835 at nearly twice the cost of the Erie Canal. With its twenty-eight dams, forty-nine aqueducts, one hundred and sixty-five locks, and two tunnels, it was one of the mechanical marvels of the age. To newlyweds, and others interested in seeing the beauties of America, the system was a great success; but to Pennsylvania it was a distinct disappointment, for it neither earned interest on the investment nor enabled Philadelphia to rival New York for the commerce of the West. In 1857 the system was sold and scrapped.

With determination matching that of Pennsylvania, Baltimore strove to retain her old advantage. The result was the Chesapeake and Ohio Canal, for which President Adams turned the first spade of dirt on July 4, 1828, and the Baltimore and Ohio Railway, for which the last surviving signer of the Declaration of Independence, Charles Carroll of Carrollton, performed a similar ritual on the same day. After twenty years and the expenditure of half as many million dollars the canal was finished to Ft. Cumberland. There it stopped permanently. The railroad weathered many adverse conditions, finally reaching the Ohio at Christmas time, 1852.<sup>1</sup> But the quarter-century advantage which the Erie Canal gave to New York was not to be overcome.

*Baltimore  
and Ohio  
Railway*

<sup>1</sup> Although the Baltimore and Ohio became the first of the great railroads of America, it was not the first in operation over a considerable distance. By 1833, when it was only well begun, South Carolina had finished a railroad from Charleston to Hamburg on the Savannah River (136 miles) for the purpose of diverting cotton which would otherwise float downstream to Savannah. Charleston, too, was much concerned about the control of commerce in the back country.

*Adams versus  
Canning*

In the field of his particular interest—foreign affairs—Adams was not successful. He hoped to capitalize on the Monroe Doctrine by securing an extension of economic influence in Latin America. But, on the one hand, he was thwarted to a great extent by Canning, who erroneously believed that Adams was seeking political leadership over South America; and, on the other, by domestic politics. In this contest Britain held a favored position and in the outcome won the greater commercial advantages. She had more capital for foreign investment; she and South America were commercially supplementary to each other; and she could exert more influence on Spain toward recognition of Latin American independence.

*The Panama  
Congress*

From the standpoint of the domestic setting, the high point in foreign affairs was touched in connection with the Panama Congress of 1826. Secretary Clay, as champion of Latin-American independence, dreamed of ever-increasing Pan-American cooperation under the leadership of the United States. He welcomed, therefore, an invitation from Mexico and Colombia—formally extended in the fall of 1825—to participate in a congress of American republics to be held in Panama. Bolivar had proposed the congress for the purpose of inducing Spain to recognize the independence of her lost provinces and, perhaps, of finding a way for securing the freedom of Cuba and Porto Rico. He did not wish the United States to be invited.

*Political op-  
position*

The true purpose of the conference was not candidly explained to the United States; consequently Clay had to convince the cautious Adams that American neutrality and independence would not be jeopardized by participation. Accordingly, December 26, 1825, Adams sent to the Senate for confirmation the names of two delegates, and requested an appropriation for their expenses. Immediately the various political factions unfriendly to Adams and Clay seized the opportunity for organized opposition. Most Southerners, it is true, were honestly disturbed over the contemplated discussion at Panama of the slave trade, as well as by the prospect of an independent Cuba and Porto Rico which would mean the freeing of slaves in those islands. The spectacle of the Haitian Negro Republic was highly disturbing to them. Moreover, they did not relish the idea of representatives of the

United States sitting in a congress with mulattoes, or of receiving at Washington diplomats from a Negro republic.

In the end the Senate confirmed the appointments, but the action was too late. One delegate died on the way and the other arrived in Panama after the poorly attended conference adjourned. The net result of the incident was to put Adams' administration in a bad light in the United States, while through the efforts of Canning's representative at Panama the United States was made to appear as an enemy of Cuban independence, and unfriendly toward South America. The outcome was a keen disappointment to Clay, our first Pan-Americanist. In 1889, under the leadership of James G. Blaine, there was held at Washington the first of the Pan-American Congresses which to the present time have been instruments for better relationships between the republics of this hemisphere. Clay was sixty years ahead of his time.

In dealing with the problem of the British West Indian trade, a matter of great interest to many Americans, Adams overplayed his hand and lost the game. His efforts to buy Texas, which he had renounced by his treaty of 1819, also ended in failure. Both topics will be discussed briefly in a subsequent chapter. *Other failures*

In his handling of Indian affairs, a province which Adams would gladly have avoided, the President took a position entirely out of sympathy with a great portion of Americans, and so increased his unpopularity. Westward-moving cotton growers were eager to possess the rich lands held by Indians in Georgia, Alabama, and Mississippi. Georgia was particularly concerned inasmuch as many of her citizens were leaving the state, whereas they might have remained with their property but for the presence of the Creeks and Cherokees. By the 'twenties the state was angrily demanding that the agreement of 1802 with the Federal Government—by which Indians within Georgia should be removed “as early as the same can be peaceably obtained on reasonable terms”—should be carried out. Unfortunately the matter was complicated by a treaty (1791) which guaranteed to the Creeks permanent possession of their boundaries. *Indians of Georgia*

From time to time, as late as 1821, cessions were made. Then finally the importunities of Georgia resulted in the Treaty of Indian Springs (February 1825) which ceded all Creek lands in *Contest with Gov. Troup*

the state. After ratification of the treaty Adams was convinced that it had been secured through fraud and refused to carry out its provisions. Actually it had been signed with the approval of only a portion of the Creeks and in violation of a tribal decision to sell no more land. Chief William McIntosh, most important of the signers, together with some others were put to death. The Creeks were in dead earnest. So was Governor George M. Troup, cousin of McIntosh, who started surveys in the Creek lands. Adams warned the Governor that "all the means under [his] control" would be used to assert the federal authority in keeping faith with the Indians. Whereupon Troup flung defiance at the President in the name of the sovereign state of Georgia, and proceeded with his plans. The impasse was broken only when the Creeks gave up the contest and signed a final treaty (1827) surrendering the last of their lands. But the affair put Adams in the doubly unpopular position of opposing states rights and supporting the Indians.

*The tariff  
question*

The most serious manifestation of sectionalism during Adams' administration was in connection with the tariff. Here, again, the President was placed in an unfavorable light. Protected interests are rarely satisfied. Those which were blessed by the Act of 1824 soon renewed agitation for still further protection, while South Carolina and Georgia were becoming progressively more violently opposed to it. The rapidly growing woolen interests were especially concerned. British competition—thanks to abundant capital, cheap labor, and the reduction of the English duty on raw wool in 1824—was keen. The result was a woollens bill which was defeated in the Senate (1827) by the casting vote of Vice-President Calhoun. The outstanding nationalist of 1815 reflected thereby the sectionalism that had developed since then and showed his definite alliance with the free trade interests of the South. Calhoun's rebuff to the protectionists ruined his standing in the North but did not stem the tide of their demands. In the summer of the same year, at Harrisburg, a convention of delegates from thirteen states not only threw the weight of its influence into the fight for protection but agreed upon a compromise plan to conciliate different sections.

*Act of 1828* However, the Congress which met in December 1827 was not in a position for harmonious action on the plan. As a result of the

elections of 1826 both houses were in the control of the anti-administration forces. Jackson men, therefore, seized the opportunity to concoct a scheme for furthering their candidate's chances for the presidency. Soon they reported a bill that provided for high duties on raw products of Pennsylvania and the West, where support for Jackson was considered necessary for election, but insufficient protection for New England's manufacturers. New England, it was expected, would join forces with the South in defeating the bill, and the blame would fall upon Adams' section. The too-clever scheme back-fired upon the Southerners who took part in it, for enough New Englanders refused to play the role of "goat" assigned to them to ensure passage. Reasoning that a half loaf was better than none at all, they swallowed the mess, hook, line, and sinker. Among those voting for the measure was Webster, who previously had been a leading opponent of protection. His reversal of position, like Calhoun's, reflected what had become the dominant interests of his state. The tariff had become wholly sectional in nature.<sup>1</sup>

And so was saddled upon the United States a tariff so inequitable as soon to be called the "Tariff of Abominations." Randolph accurately characterized the bill as one relating "to manufactures of no sort or kind but the manufacture of a President of the United States." The measure probably had little effect on the outcome of the election of 1828, however, for the campaign was one of personalities rather than issues. Adams began his campaign for reelection as soon as he became President—Jackson, as soon as he was convinced that a "corrupt bargain" had deprived him of his rightful honors. Indeed, the House election was only an interlude in Jackson's campaign which was pushed for six years. Persistence was not the least of the old warrior's qualities.

In 1824 the Republican party outwardly appeared still to be intact, but actually it was disintegrating—a fact that became quite *Party Politics*

<sup>1</sup> The measure passed the House by the close margin of 105 to 94; the Senate, 26 to 21. New England had votes enough and to spare to kill it in either house, but her long contest between shipping and manufacturing interests had resulted in supremacy for the latter.

Excepting Kentucky, the bill in the House received but five votes south of the Mason and Dixon Line; excepting Massachusetts and Maine, but eleven against it north of the line. The Northwest was still charmed by Clay's "American System."



evident with the appearance of two main groups before 1828. Adams and Clay led the conservative business interests of the East together with strong nationalists of other sections who had accepted the "American System" and broad construction of the Constitution. They called themselves *National Republicans*, a name that was changed to Whigs in the 1830's. Jackson was standard bearer for the West, for agriculturists generally, and for believers in states rights who reluctantly came to support the "Old Hero" as the lesser of two evils. This combination later took the name *Democratic Republicans*. From the days of Jackson's presidency it has been the Democratic party. Into this group naturally gravitated most of the recently enfranchised "masses" of Eastern states. The "Revolution of 1828," as it has been called, proclaimed the "rise of the common man," and injected into American politics a new conception of democracy—the belief that national offices should not be filled from the ranks of the "best" people only, as Jefferson had favored, but rather by representatives of the common people, chosen by themselves.

*The  
widening  
franchise*

In a democracy founded upon principles proclaimed by the American Revolution, manhood suffrage appears to be the logical outcome. It was slow in coming. All the original thirteen states at first imposed suffrage requirements that successfully barred a great majority from voting. On the other hand, in all the new states—the product of growth, where real democracy was inescapable—virtual manhood suffrage obtained from the beginning. The old states gradually accepted the inevitable, and by 1828 property requirements had been almost entirely swept away in Massachusetts, Connecticut, New Hampshire, New York, and Maryland. Provided with a potent weapon in a majority of the states, and convinced that their hero had been wrongfully kept from the presidency in 1824, the masses were stirred to strike a mighty blow against corrupt and decayed politicians in the cause of democracy personified by Jackson. Jackson was a conservative, aligned with the conservative element in his state. He made no effort to conceal his views, but his managers advertised him outside the state as a man of the people.

*Strong  
Jackson men*

There was little of significance in the campaign itself except the expert work of Jackson's managers and the depths of scurrility that

were plumed in both camps. Martin Van Buren in New York and James Buchanan in Pennsylvania (both astute politicians destined for the presidency) did respectable yeoman service for Jackson. Southern leaders were not enthusiastic about the tempery warrior, but they hated the tariff and feared the nationalism of the Adams group. So the Calhoun and Crawford factions were won over. And Calhoun, because of his support, was given the assurance that he should succeed Jackson in the presidency after the old warrior had had his four years—an understanding which made Jackson's candidacy less unpalatable to states-rights Southerners.

In no other campaign in American history has the art of character assassination so nearly reached perfection. Adams was charged with pandering to the sensuality of the Russian Court while minister at St. Petersburg, and the billiard table and chessmen which he had purchased at his own expense for the White House became "gaming tables and gambling furniture" provided through public funds. Jackson was denounced as a brawler, gambler, adulterer, and murderer. An effective bit of campaign "literature" was the "coffin hand-bill" explaining the death of eighteen men—militiamen and others—either at Jackson's command or by his own hand. Dishonors were even. Adams and Jackson would have no part in it, although privately the President wrote burning strictures in his diary, and Jackson writhed under the infamous attack upon the character of his beloved Rachel. But the hopes of Adams men that the assault would lead Jackson to disgrace himself by an explosion of wrath were dashed. He exercised what was for him rare restraint throughout the campaign.

*Nature of  
campaign*

In the outcome Adams was badly beaten. He received about forty-four per cent of the popular vote, it is true, but only 83 electoral votes to 178 for Jackson. Adams was given every New England electoral vote save one, and carried New Jersey and Delaware as well as a portion of New York and Maryland. All the rest went to Jackson. Clay's influence in the West was not strong enough even to carry Kentucky for Adams. Although sectionalism is clearly apparent in the result, the real explanation for Jackson's victory is to be found in the movement for popular government which enabled "common men" to voice their prejudices (like most

*Jackson  
victorious*

men and women in most elections) in favor of the peoples' hero who was advertised as one of their own.

After the election there was little left for Adams' administration except to beat time until March 4. Embittered by his defeat, the second Adams failed to understand that he, like his father in 1800, was the victim of a new wave of democracy.

## Chapter Thirty

### JACKSONIAN DEMOCRACY

SHORTLY before noon on March 4, 1829, Andrew Jackson, like Jefferson twenty-eight years before, accompanied by a small group of men, walked from his tavern to the capitol. Tall, bare-headed, and erect, his striking dignity, as well as the simplicity of his action, tended to disarm rather than augment the fears of old conservatives. Adams, like his father, did not attend the inaugural of his successor. He was much hurt because the President-elect, believing Adams could have stopped the slanders about Mrs. Jackson, refused to make the customary call upon the retiring President. Reaching the east portico, the old warrior gracefully acknowledged the ovation of the assembled thousands, then read his inaugural. After the oath of office had been administered by John Marshall he struggled through the milling throng to his waiting horse, then rode to the "Palace," as he called the White House, with the mob at his heels headed for the reception which had been announced to all comers. *The inaugural*

The oft-described scene which followed was a fitting climax for a day of downward-leveling excitement. Men and women of every station, degree, and color thronged the White House, eager to seize the President's hand. Muddy boots proved no deterrent for those who wished to stand upon damask-covered chairs. What was a bit of mud, more or less—there was much more where they came from! The elite lifted its skirts, and with tip-tilted noses "walked out on the rabble"; though a few, caught in the crush, were grateful for football tactics employed in their behalf to make escape by a window possible. Even the President himself was glad for bodily protection and a chance to escape by the back way to Gadsby's. *The "mob rampant"*

On to the refreshments! The symposium of broken glass, torn clothing, fainting women, and bloody noses was ended when some-

one had the presence of mind to carry tubs of punch out-of-doors. Thus was inaugurated "Jacksonian Democracy," the new national spirit which had been gathering strength for over a decade. Jackson was a product rather than the creator of the new democracy, but it was he who gave to the political aspect of the movement the robust characteristics of his own personality. In retrospect, the first fruits of the "revolution," as manifested in March 1829, appear more humorous than profound; but to those who took most seriously the responsibility of preserving what civilized society had established, the spectacle of the mob rampant was most disquieting.

*The  
"Revolution"  
of 1828*

The most important single factor in producing this change was the growth of the West. The frontier, as Frederick Jackson Turner first made clear, always exerted a profound influence on American life; but it was as a consequence of the "Great Migration" that the relative strength of the West became a preponderant force in national life. At the beginning of the century only one-twentieth of the population was west of the mountains. When Jackson was swept into office it was one-third. A second mighty factor was the greatly increased importance of labor in the East—a result of the factory system and the attendant growth of cities. Hard conditions, aggravated by a rising tide of immigration, led to a revolt. Add to this an awakening intellectual life and a spiritual uprising against the established order of church denominations, and the ingredients for a political upheaval were at hand. Jackson rode the wave into the presidency.

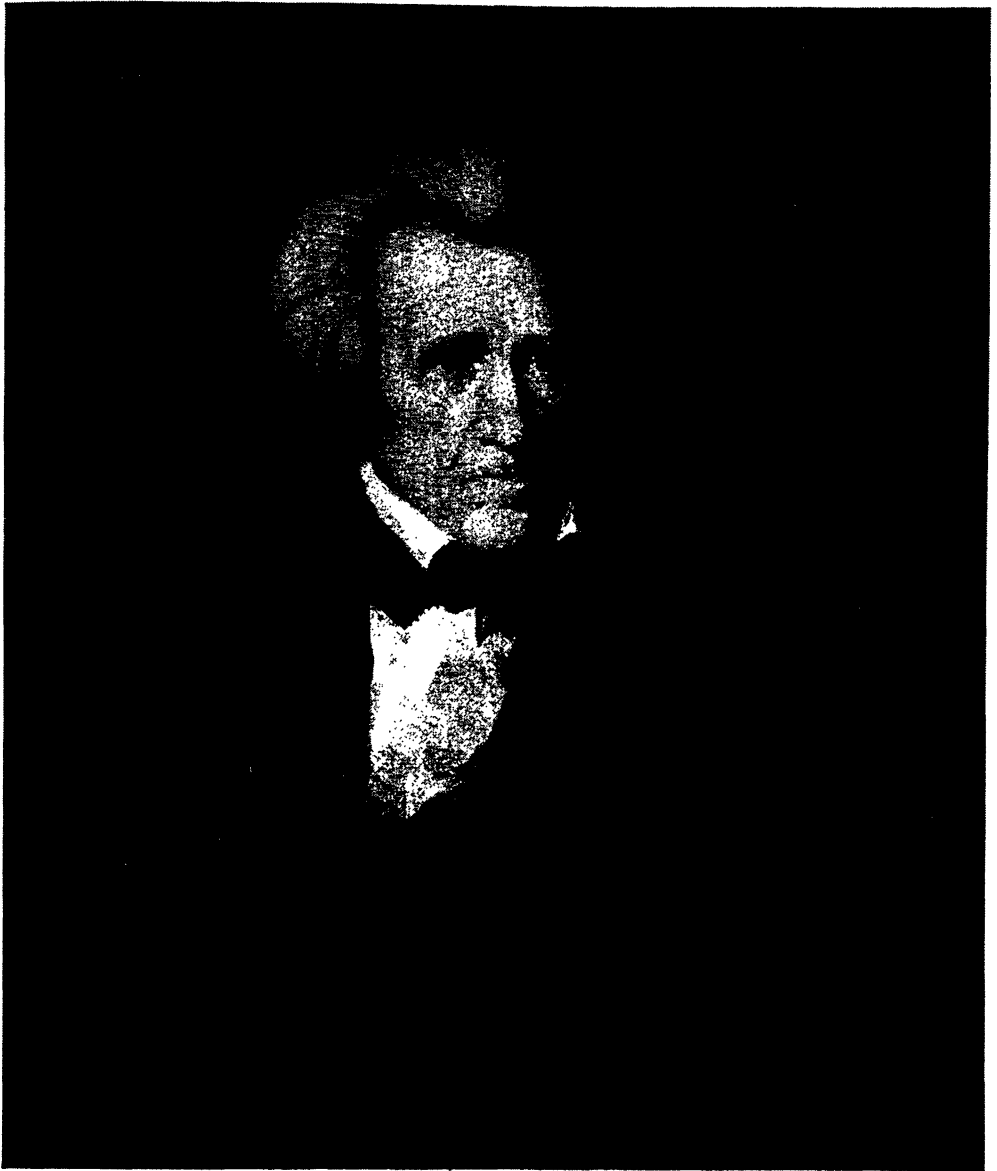
*The civil  
service*

The first task of the "People's President" was to root out the corruption that was supposed to exist in the civil service. Much had been made of it during the campaign, and the talk of "reform" had drawn people 500 miles, as much to be on hand when the political plums should fall as to see the "Old Hero" inducted into office. In his inaugural Jackson referred to the need of reform, and on March 17 the cleansing of the "Augean Stable" began, spreading terror among officeholders.

*The "spoils  
system"*

For about thirty years a position in the civil service had meant virtual life tenure.<sup>1</sup> Jackson represented the frontier belief in the

<sup>1</sup> A few of the incumbents had been appointed by Washington, and many had grown old in the service. The Treasury was sometimes called "the octogenarian department."



ANDREW JACKSON. PAINTED IN 1835 BY ASHER B. DURAND

*Courtesy of the New-York Historical Society, New York City*

capacity of any man for any work. Moreover, as he stated in his first annual message, "the duties of all public offices . . . are so plain and simple that men of intelligence may readily qualify themselves for their performance; and I can not but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience." So training and experience counted for little; loyalty to Jackson or his party was the prime requisite. When the removal of most of those suspected of having aided Adams failed to meet the demand, others were swept into the discard, but the mortality was far less extensive than hostile newspapers reported or posterity believed. For the first three years not over one-eleventh of the entire civil service was ousted. Up to September 27, 1830, only 157 out of 627 presidential officers were turned out, and only 228 during Jackson's entire eight years in the presidency; but the precedent for more sweeping removals, like those of a Lincoln or a Grant, was established. The "spoils system," which had grown up in several states, notably New York and Pennsylvania, became a long-standing fixture in national politics.<sup>1</sup>

Jackson's power as President was not increased by the system nearly so much as that of professional politicians and the dominant party. Many appointees were newspaper editors, or such other influential agents as could exert great influence toward welding and holding together a political machine. Soon it became customary to assess officeholders in order to provide campaign funds. Thus was fully established a system by which public office was prostituted to the ends of professional politicians and parties.

There is, however, another side to the picture, which if not emphasized is likely to be overlooked. In 1830 the party system had not yet become thoroughly established in the national government. Jackson did not take office with the avowed purpose of furthering the party system; rather, he hoped, like Jefferson, to win the support of a great majority of the people through wise

<sup>1</sup> Jefferson introduced the system to the Federal Government in a modified fashion, and the proportion of his removals was about the same as Jackson's. Jefferson made political removals, but usually for special cause. The same is true for some of Jackson's removals, as John Quincy Adams admitted. Several men connected with the Treasury Department were unable to explain satisfactorily defaults of nearly half a million dollars. One of them finally served a prison sentence.

national policies, and thus to further the common weal. But success required a strong party organization. Anyway popular rule, in order to survive, must function through party control; consequently the use of "spoils" was probably inevitable as a means to that end. Jacksonian Democracy, including the "spoils system," represents a transition in the control of party machinery and of the party system in the United States.

In choosing his official cabinet, Jackson had been compelled to divide posts as evenly as possible with Calhoun followers. The result was generally unsatisfactory. Only one, Martin Van Buren, Secretary of State, was an adornment to his post, and he was destined to be more famous for his artistry in politics than for anything else. None had had previous experience in national administration. Disappointment was especially keen to Virginians who for the first time in the history of the nation were unrepresented in an administration either by the presidency or cabinet membership.

Jackson pronounced the cabinet "one of the strongest . . . that ever has been in the United States," but showed his respect for it by turning to others for confidential advice. The most important members of this inner circle were Major William B. Lewis, old friend and neighbor from Tennessee, who lived in the White House; Amos Kendall of Kentucky, enemy of Clay; Isaac Hill of New Hampshire, lame and vitriolic; and Duff Green, voluble editor of the United States' *Telegraph*, the leading Jackson organ until 1830, when paper and editor were superseded by Francis P. Blair of Kentucky and his newly established *Globe*. Soon dubbed the "Kitchen Cabinet," these able politicians exerted a powerful influence in establishing the spoils system and in shaping presidential policies until the final break with Calhoun paved the way for a cabinet purge in 1831. Thereafter Jackson turned more freely to his department heads, and the "Kitchen Cabinet" slipped into the background.

Trying with fairness and justice to establish a democratic regime and at the same time satisfy influential followers gave Jackson trouble enough; but overshadowing all else as a cause for worry and excitement was a social scandal the like of which the ladies of official Washington have never before or since enjoyed.



The cause was Margaret O'Neill Eaton, wife of the new Secretary of War John Eaton, and the result was a change in personal relationships which profoundly affected the political future of Van Buren and Calhoun, and possibly thereby the destiny of the nation. Peggy O'Neill, daughter of a prominent Washington tavern keeper, was married young to John Timberlake, a purser in the navy. Remaining at home while her bibulous spouse was away on duty, the lively Peggy proved a leading attraction for her father's business. Among those who found pleasure in her flashing eyes and vivacious charm was Senator Eaton of Tennessee, old friend of Jackson. Soon tongues were wagging. In 1828, while in the Mediterranean, Timberlake lost his life in a drinking bout, leaving his desirable widow with three small children. Eaton proposed stopping the gossip by marriage. Jackson gave his hearty approval, and on January 1, 1829, the wedding was solemnized. By the time the fall social season opened the storm was no longer of teapot dimensions. Under the leadership of the proud Mrs. Calhoun, poor Peggy was royally snubbed by the cabinet wives and others who could not see in this lively lady with a past any of the charm which made men so gallant.

*Jackson  
takes a hand*

Jackson entered the lists as champion of a lady in distress. One of his fine qualities was reverence for woman; and his determination to see justice accorded Mrs. Eaton was sharpened by the deep sorrow caused by the death, at Christmas time, 1828, of his beloved Rachel—death hastened by the cruel slanders she had accidentally overheard. The fiery warrior could neither forget nor forgive. During all his married life Jackson's dueling pistols had been ready to defend the good name of his wife. Once he killed a man on the field of honor and received a bullet which he ever afterward wore near his heart. His dueling days were long past, but he would break a lance if need be for the persecuted Peggy. Determined to have an end of the trouble, Jackson called a cabinet meeting unique in American history. The subject was Mrs. Eaton, and when the voluminous evidence was presented Jackson pronounced her "as chaste as a virgin." The ladies were not convinced. Jackson's course did more credit to his heart than to his head, and he aged rapidly.

Into the breach came the ingratiating Van Buren. Unen-

cumbered by feminine impedimenta, he won the gratitude of Jackson by his courteous gallantry. But when he gave his cabinet dinner the wives remained away. However, what with the wine, the men made quite a night of it. At best it was only a limited and temporary cure for the "Eaton trouble." The British and Russian ministers, bachelors also, gave dinners in honor of the "Goddess of War," but succeeded only in further aggravating the infection. Official Washington gravitated into two camps: those opposed to Mrs. Eaton followed Calhoun; those for her, Van Buren. Thus a ladies' war produced a rift that led eventually to the political ruin of the proud Southerner and the success of the "Red Fox of Kinderhook."

Jackson's deportment in the Eaton affair is suggestive of his attitude toward the presidency as well as his conception of fair play. The chief executive, he thought, was free to take any action not expressly denied by the Constitution, and he was disposed to assume that he alone was able to interpret that instrument in accord with the needs of the country even though the Supreme Court might disagree. Moreover, because his election voiced the will of the masses, he considered the other branches of government secondary to the executive, and commonly acted in accordance with what he considered to be the wishes of the people. Considering his usual inability to see both sides of an issue, he did very well; for he either showed uncanny judgment in making popular decisions, or else the people liked his decisions because it was the Old Hero who made them.

Jackson lectured Congress on its duties, and vetoed more measures than all previous Presidents combined. In addition, he made free use of the "pocket veto," a certain-death procedure employed by none of his predecessors. In the outcome it seems probable that without this self-assurance his administration might well have recorded little but stormy futility. His following, drawn as it was from diverse factions, represented rival interests that held ominous portent for the future. The South was bitter against the protective tariff which the Northeast favored; Westerners wanted Indian removal, cheap land, internal improvements, and protection from the money power of the East; while the East was not concerned about Indians, thought the West should supply its

*Jackson's  
views of the  
presidency*

*His  
leadership*

own transportation needs, and objected strenuously to cheap lands.

*The Indian  
problem*

When Jackson became President there already had been inaugurated what was hopefully believed would be a permanent solution for the perennial problem of the Indian. The efforts made from time to time, since early in Washington's administration, toward providing safeguards for the red men represented an opportunist policy of grappling with a problem which to this day has defied wholly satisfactory solution. The fundamental cause for the difficulty was inherent inability of the two races to amalgamate or to live peaceably in the same community. Settlers of British descent were home-builders who cleared the land and drove away the game, the Indian's chief means of subsistence.

*Clash of  
races*

Being driven from pillar to post was in itself demoralizing enough for those who survived the process, but even more destructive were the white man's vices and diseases. His lust for land invited the use of intoxicants from earliest days of settlement and was an evil influence of incalculable proportions. To the average Indian "fire-water" made an irresistible appeal; and so through the magic of alcohol the white trader or agent could secure for a trifle the Indian's furs or his mark on a treaty. The word "Manhattan," it seems, comes from the Indian term which means "the place where we all became intoxicated." The Iroquois, deploring the terrible consequences of strong drink, once tried self-imposed prohibition, but like Americans in the twentieth century had to admit failure. These Indians even had bootleggers, but they were seldom successful in business, for too often they drank their whole supply in one long debauch. From the Atlantic to the Pacific whiskey played a leading role in depraving the proud red man as he was pictured by those who knew him before the white man had left his mark.

So, too, in respect to white man's diseases. Through centuries of exposure European peoples had developed sufficient immunity to dispel fear of several common diseases, such as measles, which proved deadly to the uninitiated Indians. The terrible consequences of more virulent maladies, such as smallpox and tuberculosis, can only be imagined. It has been estimated that the Massachusetts tribe, which suffered an epidemic three years before

the coming of the Pilgrims, was reduced to one-tenth its previous numbers. More insidious and lasting in its destructiveness was the reputed white man's gift of venereal diseases which quickly swept from tribe to tribe.<sup>1</sup>

The weaker race, therefore, gave way before the stronger, and in the process the stronger was made cruel and arrogant, while the weaker suffered spiritually and physically or was exterminated. After a few years' contact the frontiersman was likely to subscribe to the common belief that there was no good Indian except a dead one, though at Washington voices were occasionally raised in his behalf. But what solution could be found which would offer any prospect of permanency? Because settlers sooner or later produced conditions which made Indian cessions inevitable, the taking of land from the Indians only by federal treaty, voluntarily entered into by the Indians, could merely arrest the westward movement. Why not establish an Indian state somewhere, excluding whites from its limits? Such a proposition appears as early as 1778 in a treaty made with the Delawares. Jefferson, in his draft of an amendment to make unquestionably constitutional the purchase of Louisiana, proposed setting aside a large part of Louisiana for colonizing Indians. But not until after the War of 1812 did the idea gradually take definite form.

*Results and  
attempted  
remedies*

The great amount of Indian fighting during that war, together with resulting land cessions, brought increased attention to bear on the problem. Moreover, the purchase of Florida and the establishment of the boundaries of Louisiana in 1818 and 1819 seemed to bespeak the limits of national expansion. The building of a chain of forts from Green Bay on Lake Michigan to the Southwest international boundary indicated the War Department's acceptance of the idea; and to Secretary Calhoun, in whose department the conduct of Indian affairs was vested, fell the task of making recommendations for a comprehensive plan of Indian administration.

*Effect of  
War of 181*

To the conscientious and sympathetic Calhoun it seemed that nature had intervened to provide lasting safeguards for the Indians

*Calhoun's  
solution*

<sup>1</sup>The existence before 1492 of syphilis in a moderate form among American Indians is abundantly attested, while there is no positive evidence of it at an earlier date in Europe. Afterwards, however, it became malignant on both Continents.

on the Great Plains west of Missouri and the Mississippi. Explorers, beginning with Lewis and Clark and Pike, had reported a vast area east of the Rockies which must remain unsuited to white habitation. The "Great American Desert" it became in popular belief. However, game was abundant there, and plains tribes made the region their home—proof of its fitness for Indian residence.

So in January 1825 Calhoun recommended the removal of all Eastern tribes to lands to be secured for them in this area, with "the strongest and most solemn assurance that the country given them should be theirs, as a permanent home for themselves and their posterity." Monroe considered the plan a good one and recommended its adoption by Congress. Congress approved, and for fifteen years the Federal Government was committed to the policy of carrying out the program of establishing a permanent Indian frontier.

*Indian  
removal*

The first treaties were negotiated in 1825. Five years later the Indian Removal Act made definite provision for the exchange of lands held by tribes within the states for lands beyond the Mississippi. The process of Indian removal was under way when Jackson became President. He was just the man to keep it going. During his administration nearly 100 Indian treaties were concluded, and the army performed the unpleasant task of rounding up and escorting several reluctant tribes to a new home in the West. Most of them accepted the inevitable with traditional stoicism, but the Cherokees and Seminoles made stubborn resistance before submitting.

*The  
Cherokees*

Once the most powerful of Southwest tribes, the Cherokees still possessed some five million acres in northern Georgia, in addition to holdings in Alabama and Tennessee. Since 1791, when all their lands were guaranteed to them by solemn treaty, they had become the most civilized of all American tribes. They had built houses, roads, schools, and churches, and lived under a national constitution of their own making. The most important factor in producing this remarkable transformation was a Cherokee syllabary, or alphabet, the invention of a half-breed member of the tribe, Sequoyah. Unable to speak or write English, this patient genius set himself the task of solving the mystery of "talking

*Sequoyah*

leaves." In 1821, after a dozen years of labor, he invented a table of eighty-two characters (three were added later) which made possible the reading and writing of the language after a few weeks' study. Shortly thereafter a printing press was established, and a newspaper and books were being published in the native tongue.<sup>1</sup>

But federal treaty and Indian civilization meant relatively little to Georgia. In keeping with her agreement made with the United States in 1802, she was determined to possess all territory within her boundaries. Consequently, by legislative act of December 1828, the Cherokee lands were annexed. Within a year gold was discovered, and soon thousands of turbulent whites were complicating an already serious problem. The Cherokees appealed to Congress and the courts for the protection of their ancient rights. Congress, disposed to support the President, proved a broken reed. In his first annual message Jackson had recommended that the Indians be given their choice of surrendering all lands not under cultivation and submitting to the laws of the state in which they lived, or else of migrating to the West. Accepting this advice, Congress responded with the act of March 10, 1830 (previously mentioned) creating an Indian reservation beyond the Mississippi, authorizing removal, and appropriating half a million dollars for expenses.

Engaging as counsel the eminent constitutional lawyer, Ex-Attorney-General William Wirt, the Cherokees sought from the Supreme Court an injunction forbidding the execution of Georgia's laws over them. Marshall expressed great sympathy for their cause, but the Court decided (*Cherokee Nation vs. Georgia*) that it had no original jurisdiction because the Cherokees were not an "independent nation." However, as a "domestic dependent nation," reasoned the Court, they were under the protection of Congress. Later (*Worcester vs. Georgia*, 1832) the Court ruled that Georgia's attempt to extend jurisdiction over the Cherokees was unconstitutional and void, and that without the Indians' consent white men had no right to enter their lands.

*Cherokees  
appeal to the  
courts*

At that time Jackson was breathing defiance at South Caro-

<sup>1</sup> Sequoyah visited the Western Cherokees in Arkansas in 1822, and six years later accompanied them to Oklahoma, where he continued his labors. One of the finest representatives of his race, the giant redwoods of California were named for him, and Oklahoma has honored his memory in Statuary Hall.

lina—asserting states rights in her nullification fight hardly more aggressively than Georgia—but he gave no support to the Supreme Court in its efforts to assert federal supremacy in Georgia. Whether Jackson actually said, “John Marshall has made his decision; now let him enforce it,” is not known, but it adequately expressed his attitude toward the Court.<sup>1</sup> Georgia treated the decisions with utter disdain.

Because of the Court’s decisions the Cherokees clung hopefully to their lands until 1835, when they signed a treaty accepting the inevitable. Even then many refused to go until the army, in 1838, forced them out under circumstances of much suffering.<sup>2</sup> Failure to keep faith with the Cherokees makes an unpleasant chapter in American history.

*The  
Seminoles*

Much more troublesome were the Seminoles, who refused to migrate as a portion of them had promised by treaty in 1833. One aggravating cause for the trouble was a large number of fugitive Negroes who had settled among them and who feared restoration to their former masters. They followed the lead of the crafty Osceola who led the rebellious members of the tribe. Jackson sent troops under Winfield Scott to teach the Indians a thing or two about the sanctity of treaties. But in the fastness of the Everglades campaigning was of little avail, and the army was made to appear foolish in the face of the ruthless daring of Osceola’s guerrilla warfare. Finally, in 1837, the Seminoles agreed to go West providing they might take their Negroes—“their *bona fide* property”—with them. But when white men appeared to claim their runaway slaves the war was resumed. The treacherous seizure, by General T. S. Jesup, of Osceola under a flag of truce failed to break the resistance. Osceola soon died in prison, but

<sup>1</sup> On one occasion Jackson declared that “the opinion of the Judges has no more authority over Congress than the opinion of Congress has over the Judges; and on that point the President is independent of both.” In so saying, he had reference to his rights in respect to the veto power. He never asserted the right, when acting in his executive capacity, to decline to carry out a Supreme Court decision, but in the case of the Indians it amounted to the same thing.

<sup>2</sup> About 1000 could not be caught. Their descendants still live as wards of the United States on land purchased for them in southwest North Carolina. What Georgia did for Creeks and Cherokees, Mississippi and Alabama did for Choctaws and Chickasaws. The removal of these tribes caused relatively little trouble, however, partly because the President traveled West and personally appealed to Chickasaws, in council assembled, to move without resistance.

the miserable war dragged on until 1842, when most of those not yet killed finally consented to join their kinsmen in the West. Descendants of those not ferreted out still live in the Everglades.

For the North the most spectacular affray connected with Indian removal was the disgraceful affair called Black Hawk's War. In 1804, drink-befuddled Sauk and Fox Indians signed a treaty ceding the east bank of the Mississippi between the Wisconsin and the Illinois, but retaining the right to remain until the lands were sold to whites. This highly unfortunate treaty was later confirmed by Black Hawk, great leader of the Sauks, and Keokuk, outstanding chieftain of the Fox clan. In the beautiful Rock River Valley these tribes had cleared extensive corn lands, upon which greedy squatters without right began encroaching in the early 'twenties. Black Hawk threatened to put them out by force. In turn he was severely beaten on the suspicion of hog stealing. Finally, when the braves were away hunting, squatters seized the Sauk village at Rock Island and drove away the women and children. The Indians took up arms and recovered their village, but when troops were called out silently crossed the Mississippi, solemnly promising in 1831 never to return without permission from the Federal Government.

*Black Hawk's  
"War"*

In April 1832 Black Hawk with about 1000 followers, including women and children, returned to Illinois in order, as he later said, to grow corn! They were in a starving condition, having gone into Iowa the previous year too late to grow a crop. Black Hawk had been expecting aid from the Winnebagoes and possibly from the British, with whom he had served in the War of 1812. In both he was disappointed. Soon his greatest concern was not to recover his ancestral lands but to escape the state militia and United States regulars and return to Iowa. Fleeing northward, the desperate braves made a stand at the Wisconsin river, then tried to surrender. Borrowing canoes and rafts from the Winnebago, they attempted to send their women and children to safety down the Wisconsin. Afloat on the river, these helpless creatures made fine targets! Those who were not shot, drowned, or captured escaped into the woods where they died of hunger.

At Bad Axe, after again trying to surrender, most of Black Hawk's followers were slain. Those who succeeded in crossing the Missis-



Mississippi were set upon by the Sioux. About 150 of the tribe finally made their way home. Such was the running massacre commonly called the Black Hawk War. A captain of a militia company was Abraham Lincoln. The man to whom Black Hawk surrendered was a lieutenant of the regular army, Jefferson Davis. For him the proud Indian had only the highest respect.<sup>1</sup>

*The Indian  
Country*

The removal of the tribesmen continued apace,<sup>2</sup> and by the Indian Intercourse Act of June 30, 1834, Congress gave legality to the Indian Country. It included a portion of Wisconsin, as well as nearly all territory then belonging to the United States west of the Mississippi and the western boundaries of Missouri and Arkansas Territory. Into this territory no white person might go without permission of the Indian Commissioner. In the forts along its border—Howard, Snelling, Crawford, Des Moines (on the Mississippi), Armstrong, Leavenworth, and Smith—dragoons were kept to safeguard the Indians in their "permanent" home, and to keep white men and red apart. But westward expansion was soon to flout fair promises and artificial boundaries. By July 1854 all of this Indian Country except that which became the state of Oklahoma was organized and open to white settlement.

*Internal  
improve-  
ments*

The while Jackson's Indian policy gave pleasure to the West, his stand on internal improvements brought dismay; and, besides, dealt Calhoun another deadly thrust. Once an ardent champion of internal improvements, the Vice-President was still identified with a broad program of road and canal construction. If Jackson should oppose the plan it would seriously weaken Calhoun's political standing. As a senator from Tennessee, Jackson had voted for several internal-improvement projects. In his inaugural, however, he took the indefinite ground of favoring "constitutional"

<sup>1</sup> After being kept a prisoner for a while Black Hawk was released by President Jackson. What was left of the Sauk and Foxes paid for their temerity by signing a treaty, September 1832, surrendering a fifty-mile strip along the Mississippi—the first Indian land acquired by the United States in Iowa.

<sup>2</sup> The number of Indians in the United States in 1837, according to a report by the Commissioner of Indian Affairs, was as follows:

Resident among the states	12,415
Under agreement to migrate	36,950
Emigrant Indians in the West	51,327
Indigenous Western tribes	231,806
	<hr/> 332,498

improvements but clearly showed more interest in using the surplus for paying the national debt.

Van Buren, a decided opponent of internal improvements at federal expense, definitely won the President over to his point of view in the course of conversations as he bobbed along on horse-back rides with his chief. In Congress, so the suave Secretary explained, logrolling schemes were on foot looking to a "torrent of reckless legislation" for purely local improvements. Jackson agreed that this movement must be curbed lest the government encounter a widespread and dangerous orgy of speculation. It was decided that a certain bill, then in Congress, authorizing federal subscription to \$150,000 worth of stock in a Kentucky road from Maysville on the Ohio to Lexington should be made the test if it reached the President. It did.

*The  
Maysville  
Road*

Van Buren's hand is clearly seen in the vigorous message that accompanied Jackson's veto of this Maysville Road bill. Constitutional objections were raised, after the manner of Madison and Monroe, but chief emphasis was placed on the inexpediency of such appropriations. Roads of national importance, it was stated, might be countenanced; but the road in question had "no connection with any established system of improvements," and was of local interest only. Actually, the road when completed would be a connecting link with the highway southwest from Wheeling—one of the most important in the whole West, and over which the great Southwestern mail was being carried at the time.

The veto was an act of courage, for the proposed road ran through the strongest Jackson district in Kentucky. In Congress a heated debate followed, but the President was sustained. Strict-constructionist Southerners, among others, approved the President's course, and the veto became one of the most popular of the entire administration. In the face of strong opposition in Congress Jackson stubbornly clung to his position, and in spite of "riders" to general appropriation bills used the veto and the "pocket veto" so effectively as to give a decided check to appropriations for roads within the states. However, he favored the continuance of the National Road, and objected neither to road-building in the territories nor to appropriations for river and harbor improvements. Consequently twice as much was spent by the

*Effect of  
Maysville  
veto*

Federal Government on roads and canals during his presidency as for all previous administrations combined.

Nevertheless, the West—new and relatively poor—was obtaining but a small portion of the internal improvements it demanded. Appreciating her need for capital with which to make construction possible, Jackson proposed distribution to the states of any surplus the Federal Government might have. He suggested, too, a constitutional amendment to remove any doubts as to the legality of the procedure. However, when Clay became a great champion of “distribution” Jackson lost his enthusiasm. So most of the building continued to be done by the states. The orgy of construction which helped produce the Panic of 1837 will be noted in a subsequent chapter.

*The land  
problem*

*Thomas H.  
Benton*

Another matter of great interest to the West was the perennial problem of the public lands. Westerners in general considered the minimum of \$1.25 per acre, established in 1820, far too high, especially because speculators bought up much of the best land, leaving great tracts of poorer soil which no one wanted at the price. To remedy this situation Senator Thomas Hart Benton of Missouri proposed various solutions, the favorite being “graduation.” Reduce each year the price on unsold land by twenty-five cents an acre, he urged, eventually giving what remained to the state in which it lay.<sup>1</sup> The fairness of such a measure, it was claimed, would not only result in filling up the vacant lands, but force the speculators to reduce their prices.

*“Pre-emption”*

“Preemption,” or “squatter’s rights” as it was commonly called in the West, was another proposed solution. It had been granted by the Federal Government in special cases as early as 1799; but Westerners were demanding that a general law be enacted—one that would legalize squatting by giving to settlers in the public domain the option of purchasing at the minimum price whenever the land was put up for sale by the government, instead of having

<sup>1</sup> Benton’s first “graduation” bill was introduced in 1826. In 1854, after he had been driven from the Senate, his idea was enacted into law. Land unsold for ten years after being opened for entry would be reduced by twenty-five cents an acre, and thereafter at five-year intervals successive reductions would follow at the same rate. Any land unsold after thirty years would remain at twelve and one-half cents.

The law was in force eight years, during which time 25,696,000 acres were sold at an average price of thirty-three cents an acre.

to bid at auction against all comers. In practice squatters, privately or in groups, commonly used their own weapons of intimidation so effectively as to safeguard their "rights" against newcomers even if they deplored the "necessity." "Claim Clubs," formed in many frontier communities before the land was put up for sale, presented the best organized and most successful machinery for the purpose. Banding together, a considerable number of squatters would elect officers, including a secretary who kept a record of all claims and transfers of the entire membership. Everything pointed to the day when the federal auction sales would begin. The club members would then be on hand to see that no outsider bid against them.<sup>1</sup>

More extreme Western voices were raised in favor of giving the land to settlers or ceding it outright to the states. All these proposed solutions were generally favored by the South, but opposed by the East which feared westward emigration and the resulting effect upon labor costs in her factories. Why, it was asked, should anyone be allowed to purchase at a low price lands which had been won by the blood and treasure of the nation? But a high price might prove dangerous; for, although discouraging settlement, it would bring in revenue which might create a treasury surplus which in turn would lead to a widespread demand for tariff reduction. The Atlantic South, on the other hand, bitter against the tariff, was coming to oppose internal improvements at federal expense as something which would enhance the prestige of the national government at the expense of the states. Both North and South were willing to make tempting concessions in order to win Western support: the North by favoring the distribution of revenue from land sales to the states in which the land lay; the South by being willing that the West should have its way about disposition of the public domain.

*Sectional  
rivalry*

To Henry Clay, always looking for the nationally popular solution of problems, was thus presented a chance for serving the West

*Clay's  
solution*

<sup>1</sup>"Claim Clubs" were most active in Iowa, though they were to be found in Illinois, Wisconsin, and Colorado at least. Settlers began pouring into Iowa following the Black Hawk cession, 1832. When federal surveys began, 10,000 were on hand, and the number more than doubled before public sales opened in 1838. Under such conditions it was easy for squatters to justify their procedure. Congress finally enacted a general preemption law in 1841.

and establishing a stronger connection with the East. His solution was "distribution"—acceptable to the East but unsatisfactory to West and South—a further complication for his American System. Let a portion of the revenue from public land sales be given to the states in which the land lay and the remainder be divided proportionally among all the states. A bill to this effect was finally pushed through Congress in March 1833 only to meet a "pocket veto." Jackson had little charity for Clay's plans.<sup>1</sup>

*The Foot  
Resolution*

By the end of the 'twenties the Treasury Department was facing the problem of a surplus. Distribution, tariff reduction, or federal appropriations for internal improvements would relieve the pressure of excess revenues. However the Maysville veto checked the raid on the treasury, the Northeast was not willing to reduce the tariff, and distribution had too many enemies. The close connection between the tariff and the public land policy was becoming increasingly evident. Then, on December 29, 1829, the matter was brought to a focus in Congress through a resolution presented by Senator S. A. Foot of Connecticut, inquiring into the expediency of limiting public land sales to such lands as had already been offered for sale.<sup>2</sup>

Up rose Benton to defend the West against this attack upon her prosperity and political security; for the measure was designed, he declared, to check the growth of his section. His bitter speech roused much feeling in the Senate and started a long-drawn-out debate which gradually lost sight of the issue which had provoked it, and in time produced the classic forensic encounter between Hayne and Webster on the subject of states rights versus nationalism. However, before considering this great debate it is necessary that we review Southern economic changes which lay back of South Carolina's bold assertion of what she considered to be her rights in the Union.

<sup>1</sup> In 1841 Clay managed to secure the enactment of another distribution bill, but it contained a clause—a sort of joker—which prevented distribution from ever being carried out.

<sup>2</sup> According to reports from the Commissioner of the General Land Office, over seventy-two million acres of surveyed lands remained unsold, while the annual sales were about one million acres.

## Chapter Thirty-One

### THE "REIGN" OF ANDREW JACKSON

CONSIDERED in the light of subsequent events the greatest issue of Jackson's presidency was that of states rights—and the principal cause for its resurgence was sectional economic rivalry. During the decade of the 'twenties, when the new democracy threw off its swaddling clothes and placed its hero in the White House, South Carolina changed from a proud state with nationalistic sympathies to one in economic distress. Following the War of 1812 no state was represented in Congress by more ardent nationalists, and none was more ambitious. But the fine spirit of nationalism which prompted Calhoun and Lowndes in sponsoring the tariff of 1816 bespoke, also, strong Southern hopes for an expansion of manufacturing—expectations which unfortunately failed to materialize.<sup>1</sup>

*Changing  
conditions in  
South*

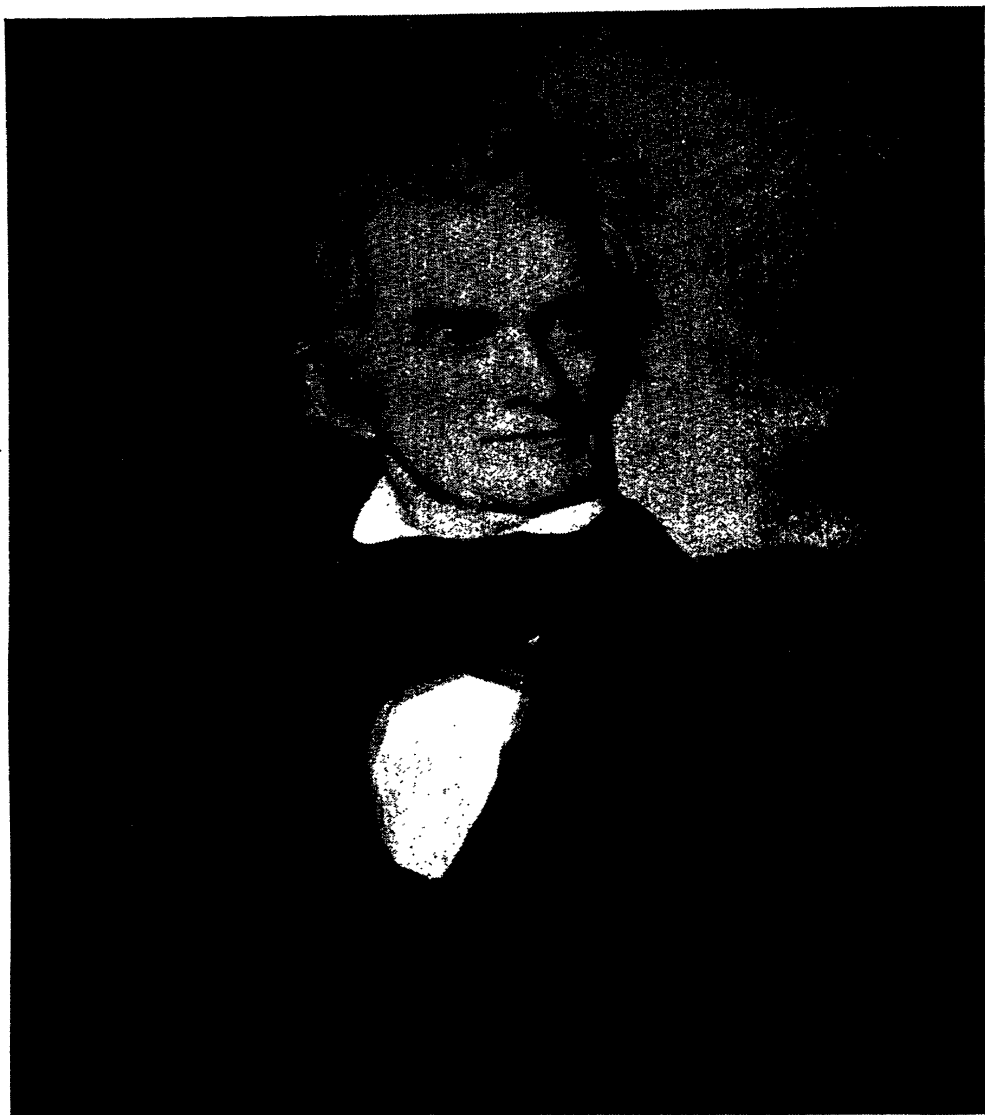
During the 'twenties the entire tidewater area, except Georgia, was almost stationary in population and was suffering economic decline. From the Old Dominion came a long wail of discouragement. One Virginian in 1829 estimated the value of lands and Negroes in his state at approximately half what it had been a decade earlier. Randolph prophesied a time when masters would run away from their slaves in order to escape the burden of owning them.

*Virginia*

South Carolina was suffering similarly, though cotton had not yet exhausted her soil to the same extent that tobacco had ruined that of Virginia. First to turn to the extensive production of cotton, South Carolina was also first to feel acutely the pinch of vanishing profits. Many of her ambitious planters migrated to the rich lands of Alabama and Mississippi, thus saving themselves while increasing the wealth of the newer states to the disadvantage

*South  
Carolina*

<sup>1</sup> See chapter on Growing Sectionalism and Party Politics.



JOHN C. CALHOUN. PAINTED BY GEORGE P. A. HEALY

*Photo by Brown Brothers*

of the old. Those who remained struggled against a trinity of evils: declining fertility of already poor soil, higher production costs, and falling cotton prices.

The situation in South Carolina was favorable therefore for strong, united protests; and the life of her great planters was peculiarly adapted to it. In Charleston each winter planters from a wide area gathered with their families for the brilliant social season. Again in midsummer, in order to escape the heat and its accompanying dangers to health, many of them went to pleasant watering places such as White Sulphur Springs and Saratoga. Thus was accorded abundant opportunity to exchange political ideas and to consolidate opinions. By 1830 no state was more united in sentiment than South Carolina. Not only were her planters in general agreement, but political unity between the back country and the tidewater had been achieved by a compromise which gave each section control of one house of the legislature. Moreover, Southern leadership, which had been Virginia's from the earliest days of colonization, had gone to the Palmetto state.

As we have observed in a previous chapter, the Old South blamed protective tariffs rather than her wasteful and unbalanced system of agriculture for much of her economic distress. All the profits from protection seemed to be reaped by the North, which was growing in wealth. With bitterness, therefore, South Carolina's congressmen attacked the tariff with every argument at their command, while in the state a strong states-rights movement had appeared by 1827. Still more significant was the emphasis placed upon sectionalism, rather than nationalism, as the salvation for the South; for great planters were coming to fear the extension of federal powers—whether in respect to tariffs, internal improvements, or anything else—as a potential threat to slavery itself, the very foundation of their social and economic life. "Keep on the windward side of treason," advised Randolph, but short of this do everything possible to prevent an extension of congressional powers. This, most leaders in South Carolina were prepared to do.

*The tariff  
attacked*

What of Calhoun in the face of so much local turmoil—John C. Calhoun, ardent patriot always, and destined to be the most honored and loved of all South Carolina's statesmen. Of sturdy

*Calhoun*



Scotch-Irish ancestry, young Calhoun knew the rigors of life in a frontier community. Eager for schooling, he prepared for college and was graduated from Yale with highest honors in 1804. Soon thereafter he was admitted to the bar, then served in the state legislature. In 1811 he strengthened his social and economic status by marrying into the aristocracy of Charleston, and in the same year entered Congress as an enthusiastic War Hawk. No other member of the House of Representatives was a more ardent nationalist than the forceful and high-minded Calhoun. As Secretary of War for Monroe (1817-1825) he carried out plans of army reorganization which entitle him to rank second only to Jefferson Davis among all heads of that Department prior to the Civil War.<sup>1</sup>

As a cabinet member Calhoun took little part in politics, but when he emerged again into the strife of the political arena he had transferred his allegiance from the majority to the group which, because of economic changes, had become the minority. However, for considerations of political expediency, he did not openly fight in behalf of the South, although as early as 1827 he was expressing concern over "a great defect of our system" which did not sufficiently safeguard separate geographical interests. He gave further unmistakable evidence of his sympathies when he killed the tariff bill of 1827 by his casting vote as Vice-President. The margin was too close for Southern peace of mind.

The tariff of 1828 fanned into flames the smoldering wrath of the states-rights group of South Carolina. Men began to "calculate the value of the Union" and to talk of secession. Threats that the tariff law would not be obeyed were freely made. It seemed that Calhoun would be repudiated by his own state.

To save his public career and prevent violence that might well result in secession, Calhoun wrote the *South Carolina Exposition* of 1828 which was adopted by the legislature as a formal announcement of the position of that state. The authorship was not divulged until 1891. As running mate with Jackson, Calhoun could not

*The South  
Carolina  
Exposition*

<sup>1</sup> In 1819 J. Q. Adams said of Calhoun: "he is above all sectional and factious prejudices more than any other statesman of this union with whom I have ever acted." Three years later he wrote: "A man of fair and candid mind, of honorable principles, of clear and quick understanding, of cool self-possession, of enlarged philosophical views, and of ardent patriotism." Praise from Adams is praise indeed.

afford to proclaim publicly the philosophy which his document contained.

Calhoun conceded the right of a state to withdraw from the Union by the same procedure it had entered, but secession was the last step he could ever countenance. In his *Exposition*, therefore, he elaborated the doctrine of nullification as an instrument for safeguarding the interests of the states without destroying the Union that he loved. He contended, as did Jefferson in the Kentucky Resolutions, that the Federal Constitution was a compact between thirteen sovereign states which had neither surrendered nor divided their sovereignty. Consequently, if the Federal Government exercised any power not granted to it by the states (as specified in the Constitution), *any* state might be the judge of the infraction and nullify the act accordingly. Herein was a wide departure from the Virginia and Kentucky Resolutions which, at most, suggested collective nullification by *all* the states. *Theory of nullification*

Furthermore, Calhoun provided machinery for action. Let the state legislature determine in a given instance whether the Constitution had been violated. If the decision was in the affirmative, and if Congress refused to change its action, then a convention chosen by the voters of the state should be called to discuss the issue and decide whether nullification of the obnoxious measure should obtain within the state.<sup>1</sup> In such manner, he concluded, a national law would be nullified without violating the Constitution! It should be emphasized, however, that Calhoun recommended postponement of actual nullification until Congress, responding to pressure from the states, could change the obnoxious law.

However sound or unsound Calhoun's reasoning may have been, he was honestly striving—as he continued to the end of his days—to find safeguards for the rights of a minority within the Union. *Calhoun's purpose* Of greater significance at the time was the fact that Calhoun, as a connecting link between South Carolina and Washington, kept the state in tow and prevented a rupture until 1832. His plan was to win Jackson and Congress to favorable action on the tariff, and then as President after Jackson had had his four years (according

<sup>1</sup> Calhoun later elaborated his doctrine in different writings, especially in *A Disquisition on Government*.

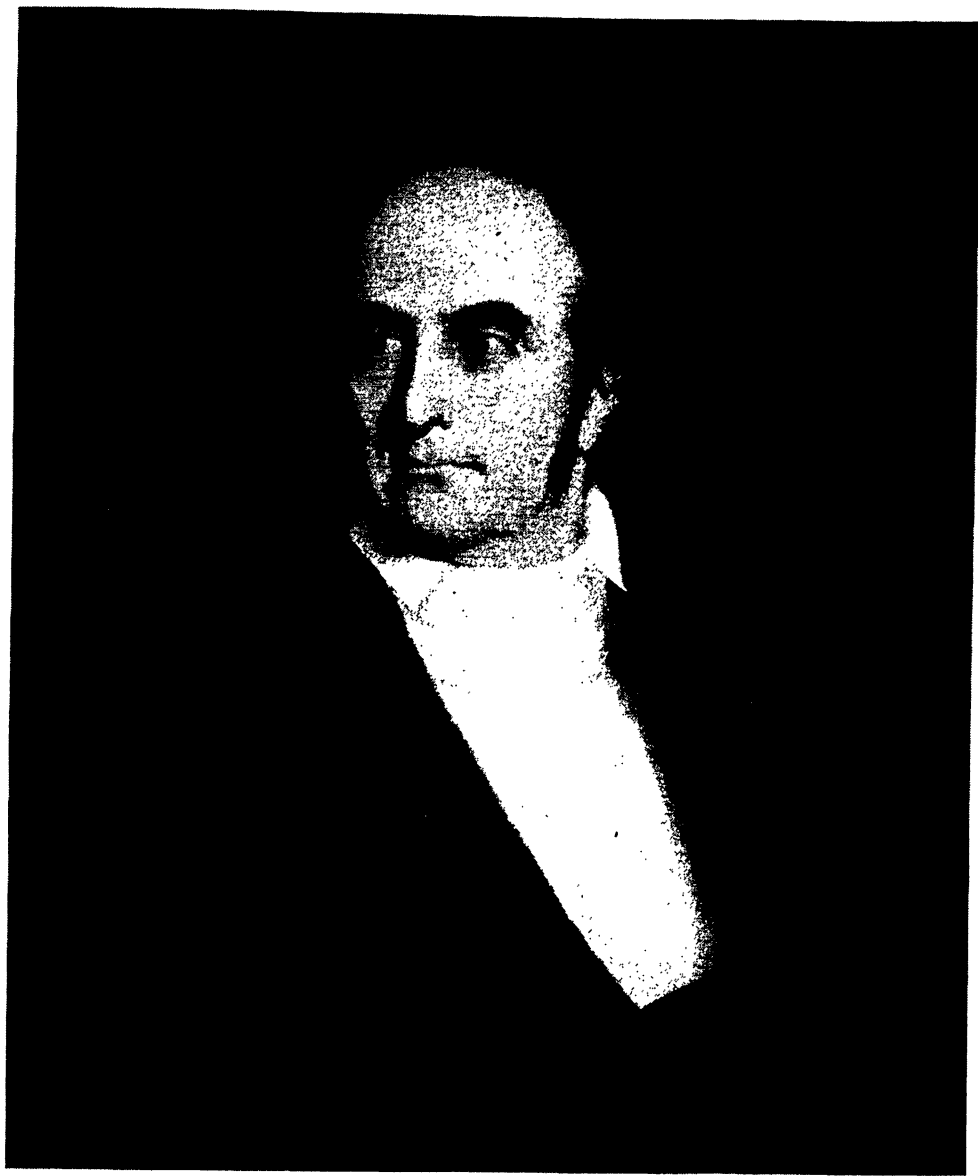
to the understanding) continue the work of molding together the interests of the South and West. But fortune frowned on Calhoun's hopes. First came the wretched Eaton affair to produce a rift between the Vice-President and his chief; then a train of events which had been started by the Foot Resolution (December 1828) completed the break and blasted forever Calhoun's chances for the presidency.

*Beginning of  
Webster-  
Hayne debate* When Benton voiced violent opposition to Foot's resolution he started a long-drawn-out debate in the course of which Southern senators, notably Robert Y. Hayne of South Carolina, took occasion to stress the community of interests between the West and South, each of which had a grievance with the Northeast. Hayne deplored the steady trend toward national consolidation and the resulting use of this enhanced national power for sectional advantage, particularly in the case of the protective tariff. The land question, therefore, was merged with sectional bitterness.<sup>1</sup> When Hayne introduced the doctrine of state sovereignty Webster definitely changed the issue from public lands to that of nullification. The battle of the giants then became a forensic encounter between these two senators.

*Webster* Daniel Webster grew up on a rugged New Hampshire farm which challenged the resourcefulness of his frontier father. Being of delicate health the precocious Daniel was spared the heavier tasks which fell to the portion of his brothers, and was given, besides, such opportunities as the region and his father could provide. After a rather unsuccessful experience in Phillips Exeter Academy he entered Dartmouth. Here "Black Dan," as he was nicknamed, overcame his shyness, excelled in debating, and finished his course with honors. After mixing schoolteaching with the study of law he was admitted to the bar, soon winning distinction by virtue of his eloquence as well as the logic of his reasoning.

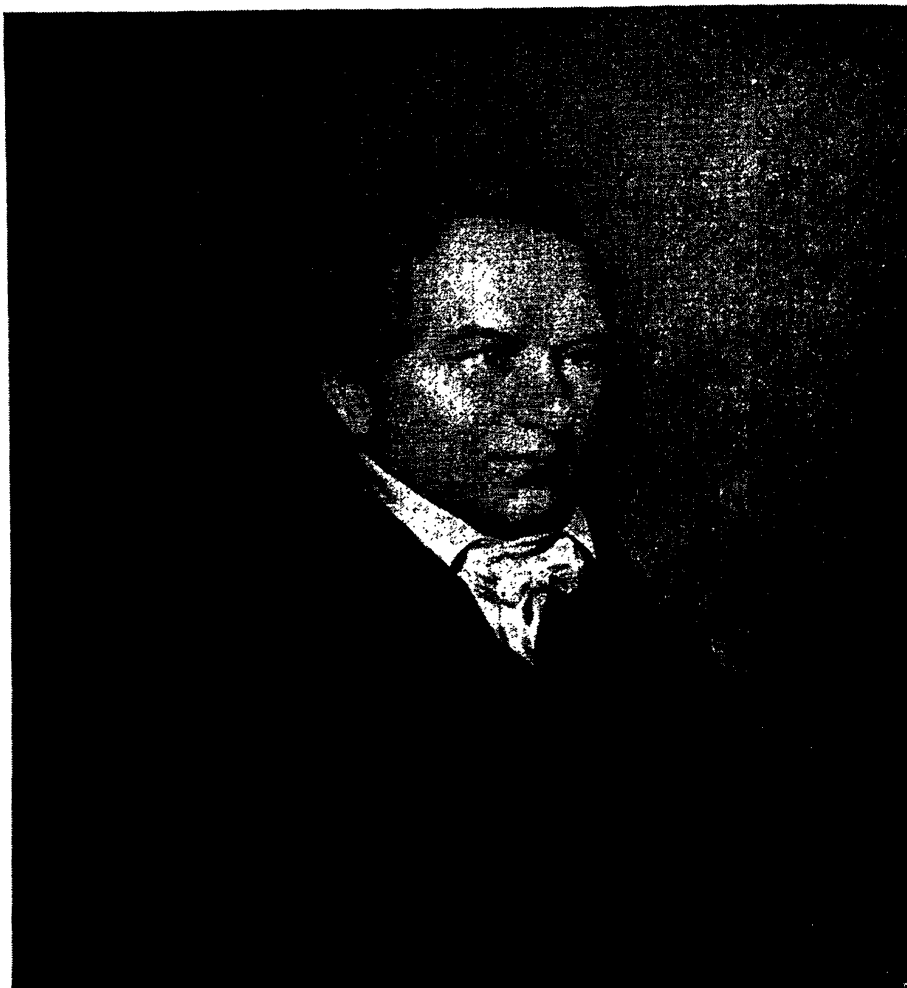
In 1813 Webster began his four-year service as representative from New Hampshire in the lower house of Congress. Here he did all in his power to embarrass Madison's administration in its war policies. In 1816 he settled in Boston and identified himself with families of wealth and influence. After another period of

<sup>1</sup> Foot's resolution remained on the calendar for several months, then was permanently tabled.



DANIEL WEBSTER. PAINTED IN 1842 BY GEORGE P. A. HEALY

*Courtesy of the New-York Historical Society, New York City*



ROBERT YOUNG HAYNE

*Photo by Brown Brothers*

service in the House he entered the Senate in 1827, a champion of protection and a convert to the nationalism which Calhoun, Clay, and J. Q. Adams had advocated, and which John Marshall through his Supreme Court decisions was doing so much to establish.

Webster began playing his great nationalist role in 1830 when

he engaged in his famous oratorical encounter with Hayne. The debate began on January 19 with Hayne's first speech and was drawn out to the end of the month before a sympathetic and eager audience which at times packed all available floor space in the old Senate chamber. Hayne spoke at times with too much fire, and even indulged in sharp criticisms of his opponent, but in sustained reasoning many considered him a match for the "god-like Daniel." Naturally indolent, Webster underwent a striking transformation when roused to speak on a subject of great interest. The perfection of his oratory, which so greatly delighted audiences of the day, was doubly enhanced by his commanding presence and "the rich and well modulated thunder of his voice." His striking blue coat, and even the brass buttons which adorned it, gave an added touch of color to the brilliance of his performance.

The debate ranged over a wide group of topics—including the tariff, slavery, and the deportment of Massachusetts and South Carolina in the Revolution and the War of 1812—but it was on questions concerning the fundamental principles of the Constitution that its lasting importance rests.

Speaking under the approving eyes of Calhoun, who as Vice-President could not take part in the debate, Hayne pleaded the cause of the states. His arguments were those of Calhoun as expressed in the *South Carolina Exposition*: Sovereignty was indivisible; it remained with the states, which were older than the Union; and it followed, therefore, that a state possessed the constitutional right to interfere whenever the Federal Government transcended its constitutional limits. This theory of states rights and nullification, he contended, was the traditional American doctrine. Hayne did not know that Webster himself had taken the same position, using the same arguments, in 1814 in defense of New England against Madison's wartime government which, Webster declared, was possessed of "a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort and degree of misery than has been exercised by any civilized government, with a single exception, in modern times."

*Hayne's  
arguments*

The position of Hayne in 1830, like that of Webster in 1814, was historically sound; but the thinking of a great portion of the

people was coming to embrace the rising spirit of nationalism. Webster, growing with the times, shaped his philosophy accordingly. He pleaded for the nation. Sovereignty, he declared, resided not with the states but with the people. The people made the Constitution, which was the supreme law of the land, and established the Union which was older than the states.<sup>1</sup> It would follow, then, that only by revolution might a state circumvent federal law. For if one state might nullify an act of Congress, so might others; then the Union would be "a rope of sand." Manifestly, he concluded, differences of opinion respecting the powers of Congress should be settled by the Supreme Court.

Far more important than Webster's constitutional arguments was his defense of the Union against the spirit of sectionalism. In a peroration never surpassed by an American orator, he voiced an idealistic love of the Union which was to exert an incalculable influence upon the rising generation of the East and West:

I have not allowed myself, Sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this government, whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day at least that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of

<sup>1</sup> Manifestly, thirteen states existed before a Union of states was created. Webster meant, however, a Union resulting from common interests, such as language, institutions, and a common enemy. Such a Union, apparently, did not exist in Washington's day, but was real enough to Clay, Jackson, Webster, and a host of their contemporaries.

the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, not a single star obscured, bearing for its motto, no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and Union afterwards"; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart,—Liberty *and* Union, now and forever, one and inseparable! <sup>1</sup>

Both men spoke with conviction although their ideas were saturated by the sectional interests which their constitutional arguments would further. Hayne was looking to the past, Webster to the future—a future which was to witness a devastating war ere the great issue of states rights was settled.

The Northeast and South had spoken through Webster and Hayne. What was the position of the West and its great leader, Jackson? The President considered himself a states-rights man, although his patriotism could hardly be questioned. He grasped instantly the full meaning of the debate, approved Webster's position, but kept his counsel.<sup>2</sup>

*Question of  
Jackson's  
position*

After a month of silence from the White House the restive followers of Calhoun devised a plan to draw Old Hickory to their side. A grand subscription dinner was planned for April 13, 1830, anniversary of Jefferson's birth,<sup>3</sup> and a long program of speeches and toasts—all shading off to a defense of nullification—was arranged in his honor as the father of the party and champion of states rights. Jackson would attend and, it was hoped, would take his stand with the states-rights group and voice his approval of nullification.

*The  
Jefferson  
birthday  
dinner*

The banquet under way, Hayne led off with an eloquent speech,

<sup>1</sup> It is an interesting fact that Calhoun, speaking in Congress on February 26, 1816, had given expression to the vital ideas in Webster's closing sentence. At that time Calhoun had warned against disunion, asserting that "the liberty and union of this country are inseparably united."

<sup>2</sup> Because congressional speeches were tardily given to the press, Jackson often sent Major Lewis or another to sit in the galleries in order to report immediately. Jackson "kept his ear to the ground."

<sup>3</sup> Jefferson died on July 4, 1826, the fiftieth anniversary of the adoption of his Declaration of Independence. Ex-President John Adams died on the same day.



*Jackson's  
toast*

followed by twenty-four prearranged toasts. Next in order were the volunteer toasts. The President came first. Standing bolt upright the old warrior fixed his eyes on Calhoun and flung out the challenge:

Our Federal Union—it must be preserved! <sup>1</sup>

Van Buren, who had helped Jackson write his toast, stood on his chair in order not to miss the fun. Calhoun was next in order. He arose slowly:

The Union, next to our liberty, most dear! May we all remember that it can only be preserved by respecting the rights of the states and distributing equally the benefits and burdens of the Union.

The honors were with Jackson who had spoken for the West with the high approval of the Northeast. No longer was there any reasonable doubt concerning his position on nullification or his attitude toward Calhoun who had been forced to accept the odium of identification with disunion.

*Jackson  
breaks with  
Calhoun*

For several months Jackson's sympathies had been with the Van Buren faction. The time had come for a settlement with Calhoun, and the means were at hand. Shortly after the Jefferson Day dinner Jackson received a letter in which William Crawford explained how Calhoun, while Secretary of War in Monroe's cabinet, had proposed trying Jackson for his invasion of Florida in 1818. Jackson had believed until shortly before receiving the letter that it was the Secretary of War who had defended his course.<sup>2</sup> Welcoming the opportunity to have a "show down" with Calhoun, Jackson sent a copy of the letter to him asking if the information was correct. Calhoun replied in a fifty-two-page letter in which he showed the whole to be a political intrigue; but there was no explanation of why he had permitted Jackson to be deceived about his position in 1818. Jackson looked upon Calhoun's reply as proof of "duplicity and insincerity," and the final break

<sup>1</sup>In his nervousness Jackson actually left out the word *Federal* which he intended to include. It was inserted before being given to the press.

<sup>2</sup>Friends of Jackson had known the truth for years, and actually the situation had been explained to Jackson as early as November 1829. However, the written evidence was not yet turned over to him.

with the man who had been most instrumental in elevating him to the presidency was soon complete.<sup>1</sup>

Being a man who never did things by half, Jackson followed up with a reformation of his cabinet. In the interests of harmony the Calhoun men must go! The whole thing was engineered by the wily Van Buren who not only offered to resign but induced Eaton to do likewise. Calhoun's friends were then forced out, and in the summer of 1831 the administration was wholly reorganized, leaving out altogether one powerful political faction.<sup>2</sup> Meanwhile Jackson's patronage was withdrawn from the *Telegraph*—because the editor, Duff Green, supported Calhoun—and given to the recently established *Globe* under the editorship of the astute and highly efficient F. P. Blair. The administration now represented the Northeast and West. Let Calhoun and South Carolina do their worst; Jackson was ready for them.

*Cabinet  
reorganiza-  
tion*

In 1828, in the *South Carolina Exposition*, Calhoun had forged his weapon, nullification. He then labored to prevent the necessity for its use. But his plan for political accord, through federal aid in behalf of internal improvements for the West and tariff reductions for the South, had failed. The South had been hopeful that the election of Jackson would lead to tariff reduction, though his earlier record did not show him adverse to protection. In his first annual message Jackson had commented upon the advisability of reducing duties against the approaching day when the government would face a surplus. Let first reductions be "on those articles which cannot come in competition with our own productions," he advised. Congress acted accordingly, thus sacrificing in no wise the principle of protection.

*The tariff  
again*

When Congress assembled in December 1831, Calhoun and his

<sup>1</sup> In the winter of 1830–1831 it seemed that reconciliation was possible until Eaton failed to play the role assigned. It was his revenge on Calhoun because of the Eaton scandal. Eaton topped off his humiliating secretarial career by challenging three different cabinet members. They hurriedly left town or loftily declined to accommodate, so there was no exchange of shots.

<sup>2</sup> In Jackson's new cabinet were Edward Livingston of Louisiana, Secretary of State; Louis McLane of Delaware, Treasury; Lewis Cass of Michigan, War; Levi Woodbury of New Hampshire, Navy; and Roger B. Taney, Attorney-General. W. T. Barry, Postmaster General, a man so colorless as to avoid the Eaton trouble, was the one holdover in the new cabinet.

*Act of 1832*

South Carolina followers, suffering as they were from falling cotton prices, felt that the tariff reduction must be made or nullification would follow. Clay was just beginning his career in the Senate, and his old ally, John Quincy Adams, was in the House. Adams sympathized with the Southern demand for downward revision, but Clay was determined to further his American System in spite of "the South, the President, and the devil." After a lively debate a bill which was largely the work of Adams became law in July 1832. It removed the most vicious "abominations" of 1828, but retained the protective system and made no concessions to Southern planters.<sup>1</sup>

*South  
Carolina  
tries  
nullification*

Calhoun and Hayne accepted the challenge. The time for action had come. After an exciting election in which the Unionists made stubborn resistance the states-rights party swept the state, and the new legislature took the steps which Calhoun had outlined in his *Exposition*. On November 24, 1832, the resulting state convention adopted an ordinance declaring the Tariff Act of 1832 to be null and void, and forbidding the collection of duties by federal officials after February 1, 1833, unless relief was granted. It further required officials to take an oath to uphold the ordinance, and forbade appeals from state courts to the Supreme Court in all cases involving the tariff, the ordinance, or state legislation for its enforcement. Finally, it declared that if the Federal Government should attempt to close the ports of the state, or otherwise resort to force, South Carolina would proceed to separate from the Union.

*Jackson  
meets the  
challenge*

At that time Jackson was giving no support to the Indians who were being despoiled by Georgia in violation of federal law—a fact which gave some encouragement to the nullifiers—but South Carolina and Calhoun were a different matter. Already steps had been taken to strengthen the federal forts in South Carolina; General Winfield Scott was ordered to the state, and a warship and several revenue cutters were sent to Charleston. Then on December 10 the President issued a resounding proclamation in which he announced his purpose to enforce federal laws by arms if necessary. Nullification, he declared, was "incompatible with

<sup>1</sup>The voting in Congress shows the subordination of party to sectionalism. A majority of Congressmen from the entire South voted for the measure, but it was primarily for the purpose of putting an end to the tariff of 1828. Many Westerners voted for the measure because attracted by Clay's distribution scheme.

the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed." Privately, and with profanity, Jackson emphasized his already announced purpose of hanging the first nullifier he could put his hands on to the first tree he could find if a drop of blood were shed.

South Carolina was not awed by the proclamation. Governor Hayne, having recently resigned from the Senate, issued a defiant counter proclamation, and steps were taken to raise troops to repel any "invasion" of the state. A martial spirit prevailed, and talk of secession was common.

It was a pale Calhoun who took his seat in the Senate on January 4, 1833, having resigned the vice-presidency in order to be in the thick of the fight. The support which he had expected from other Southern states had not come. Not one endorsed the doctrine of nullification, though Virginia showed a strong disposition to do so and Georgia proposed a Southern convention. The Gulf states did not feel the pinch which the tariff produced for the worn lands of South Carolina. Moreover, they appreciated the services of the national government in driving out the Indians, as well as Jackson's defiance of the Supreme Court.

*Calhoun  
returns to the  
Senate*

Excepting the extremists, everyone wanted a peaceable settlement, Calhoun as much as any other. Jackson's intimates feared the political consequence of violence. Jackson, for his part, urged tariff revision—the thing nullifiers really wanted—for he sympathized with the Southern position; but at the same time he asked Congress for more specific authority to deal with the situation. A "force bill" authorizing the use of the army and navy for enforcing acts of Congress was introduced in the Senate, while the House beat time on a new tariff bill which represented the political aspirations of Van Buren.

*The "Force  
Bill"*

Into the breach came Clay. Much chastened by his overwhelming defeat in the election of 1832, he joined forces with Calhoun. The result was the passage of the "Force Bill" and Clay's Compromise Tariff Bill on the same day, March 1, 1833.<sup>1</sup> Jackson

*Compromise  
Tariff Act*

<sup>1</sup> Under the new tariff the rates were not much changed from those of 1832; however, all duties in excess of twenty per cent—a level which South Carolina had been willing to accept before the beginning of the controversy—should be removed gradually by July 1, 1842.

signed them the next day, and Clay was hailed as the "Pacifictor."

South Carolina's Convention reassembled, found the new tariff satisfactory, and so repealed the ordinance of nullification. It then clinched its victory by declaring the Force Act null and void. For had not the state defied the nation and won a satisfactory redress of grievances! Most Americans, however—considering the lone position of South Carolina in the struggle and speculating on what might have happened had the issue been submitted to the arbitrament of force—felt that victory was with the nation. Thereafter, no state put nullification to such a formal test; but the issue of states rights was still charged with ominous portent for the future.

*The United  
States Bank*

While the nullification controversy was rousing nation-wide excitement there began a longer and hardly less spectacular struggle over the Bank of the United States. From its foundation in 1816, and especially after the panic of 1819, the Bank had been distrusted and hated in the West. "Free banking"—that is, authorization under general state law for the establishment of a bank by any persons who could meet the requirements—did not exist in that day. Instead, charters were granted by special legislative enactment, often as a reward for party services, thus increasing the political influence of banks in general. Such banks, with their "wild-cat" ideas of finance, reflected Western opposition to the conservative practices of the Bank of the United States which, with its twenty-nine branches, enjoyed a national monopoly in banking. Moreover, during the life of its charter, no other such bank could be established. One particularly irritating practice of the Bank, for the purpose of testing the solvency of state banks, was to present in quantity the notes of a given bank for redemption in specie. To Westerners, who were commonly more concerned about the volume of money than its soundness, this was a sort of sword of Damocles to interfere with fancy flights in credit extension.

In the East, the Bank was strongly intrenched and generally popular; in the South, Calhoun and most other leaders raised no objections on the score of its constitutionality, although their position, in the light of their opposition to the tariff, made them

vulnerable to the charge of inconsistency.<sup>1</sup> After all, the Supreme Court had passed upon the constitutionality of the Bank in 1819.

Jackson, although with a sound-money record in Tennessee, represented the frontiersman's prejudice toward this Bank, a feeling that was sharpened by his belief that the institution in 1828 had opposed his party in several states. Moreover he was firmly convinced that the money power was an enemy to democracy. He simply failed to comprehend the need of banks as an agency for expanding the power of specie in a social economy whose industrial and commercial needs could not adequately be served by the amount of specie available. Besides, he should have appreciated the important national service rendered by the Bank, for he must have known that its notes were the only ones that would circulate without depreciation in all parts of the Union.

*Jackson and  
the Bank*

Whatever his ideas or prejudices, Jackson intended to be fair in the matter. In his first annual message he questioned both the constitutionality and expediency of the law creating the Bank and advised that it was none too soon to consider whether a new charter should be granted when the old expired in 1836, inasmuch as the Bank had "failed in the great end of establishing a uniform and sound currency." He favored a government-owned bank of deposit connected with the Treasury Department and managed by federal officials. To Nicholas Biddle, president of the Bank, he said: "I do not dislike your bank any more than all banks, but ever since I read the history of the South Sea Bubble I have been afraid of banks." Privately he wrote about this "hydra of corruption, dangerous to our liberties everywhere."

Excepting Jackson, Biddle was the most powerful man in America, and, after the "Bank War" was in full swing, the most feared. As a youth, entering the University of Pennsylvania at the age of ten, he developed a great interest in Greek, history, art, and architecture, and wielded a poetic pen. President of the Bank since 1823, the splendid energies of this elegant aristocrat were

*Nicholas  
Biddle*

<sup>1</sup> The volume of United States Bank stock held in the South helps explain the attitude. In 1832, citizens of South Carolina held a greater amount than those of New York.

directed after 1829 toward strengthening the Bank and its rich prerogatives against any attack by Jackson.<sup>1</sup>

Power of the  
Bank

Jackson had reason to be concerned over the power of the Bank which, with its branches, did a total volume of business in discount and exchange of about \$70,000,000 annually. It could increase or lessen the volume of money in circulation by about one-third at any time. The President of the United States appointed one-fifth of the directors, it is true, but the Bank was nevertheless a private corporation dominated by Biddle who once went so far as to refuse to permit the government's appointees to attend board meetings. Moreover, together with two directors, he held a controlling share of the stock, and determined the choice of presidents and directors of all the branch banks.<sup>2</sup>

After Jackson had made the opening challenge the issue simmered. Meanwhile Biddle directed the Bank with special regard for the needs of the government, the while he cultivated friends of Jackson and furthered his influence in Congress where the Bank had powerful support. Webster, who was a director and paid attorney of the Bank, was Biddle's chief bulwark in the Senate. Clay was an old champion of the institution; likewise George McDuffie, chairman of the House Ways and Means Committee. All were borrowers on favorable terms, together with more than fifty other members of Congress.<sup>3</sup> Biddle's net extended also to the press. Several editors including Duff Green were heavy borrowers. One strong opponent, the *New York Courier and Enquirer*, became a supporter after receiving a large loan from the Bank.

Beginning of  
Bank War

In 1831 Jackson and Biddle observed a truce. But when Congress met for its session of 1831-1832 the political possibilities in the Bank as an issue in the coming national election proved too

<sup>1</sup> Although Biddle tried at first to keep the Bank out of politics, he sought to curry favor with Jackson at the beginning of his administration by appointing his supporters to directorates of several Western branch banks.

<sup>2</sup> Biddle once declared: "In half an hour I can remove all the constitutional scruples in the District of Columbia. Half a dozen Presidencies—a dozen Cashierships—fifty Clerkships—one hundred Directorships—to worthy friends who have no character and no money."

<sup>3</sup> In 1830 the Bank's loans totaled \$192,161 to fifty-two congressmen; in 1831, \$322,199 to fifty-nine; in 1832, \$478,069 to forty-four; in 1833, \$374,766 to fifty-eight.

Webster's indebtedness to the Bank by July 1832 totaled \$32,000. McDuffie at one time secured a loan of \$100,000.



NICHOLAS BIDDLE

*Photo by Brown Brothers*

powerful to resist. Webster and Clay were confident that Congress would pass a recharter bill. Then let Jackson veto the popular measure if he dared! They would turn him out in the coming election. Biddle (January 1832) on the advice of Clay and Webster made formal request for a new charter, and soon appeared in



Washington in order to direct the struggle. The Bank war was on in earnest, with friends of the Bank taking the initiative.

*Jackson  
vetoes  
recharter bill*

On July 3, 1832, after a congressional investigation had failed to prove that the Bank had violated its charter, the recharter bill passed both houses by substantial majorities. Jackson promptly vetoed it with a message as vigorous in its political appeal as it was weak in its economic arguments. Biddle was so contemptuous of this "manifesto of anarchy," as he called it, that he distributed 30,000 copies at the Bank's expense, thus unwittingly helping to popularize the President's position. The monopolistic nature of the Bank, Jackson charged, was an unconstitutional invasion of the rights of the states—a "money power," with dangerous political influence, which profited from the earnings of the people. The message, in short, was a skillful appeal to the distrust of the poor for the rich and to Western prejudice against the East. Friends of the Bank could not muster the necessary two-thirds vote to override the veto; consequently the Bank became the leading issue in the national election of 1832, as Clay had hoped. But, as usual, it was a campaign of men no less than measures.

*Campaign of  
1832. Van  
Buren*

As early as the close of 1829 Jackson had decided that Van Buren, rather than Calhoun, should be his successor and within a year thereafter let it be known that he himself would stand for a second term. Calhoun must be kept from the presidency. Moreover, the love of power was growing on "Old Hickory." In the meantime Van Buren's limited presidential appeal must be carefully nurtured against the day when he would be thrown upon the mercies of the people.

The smooth New Yorker was destined to encounter rough sailing. When he resigned from the cabinet in 1831 it was with the understanding that he should be minister to Great Britain. In due season he sailed, then four months later (January 1832) the Senate by the casting vote of Calhoun refused to confirm the appointment. "It will kill him dead, sir, kill him dead. He will never kick, sir, never kick," exulted Calhoun. "By the Eternal! I'll smash them," thundered Old Hickory in reply. So Van Buren's political fortune took another upward turn; and though unpopular outside New York, he was nominated as Jackson's running mate by the Democratic party convention which was

afraid of offending Jackson by refusing to honor his wishes.<sup>1</sup>

The campaign preceding the election of 1832 is memorable as the first in which an organized third party appeared; first in which candidates were nominated by national conventions; and first in which a national "platform" was drawn. The National Republican party represented the followers of Adams and Clay, together with a numerous opposition which Jackson had created by his policies respecting nullification, internal improvements, Indians, the tariff, the civil service, and the Bank. Party leaders met in convention in Baltimore in December 1831, and nominated Clay by a unanimous vote. The next spring at Washington a convention of young men endorsed Clay's nomination and elaborated an address of the National Republican convention in what is commonly considered the first national party platform.

*National  
Republican  
party*

Not all anti-Jackson men were drawn to the support of Clay, however, for the newly created Anti-Masonic party would have none of him. Its nominee in convention at Baltimore, September 1831, was William Wirt of Maryland, once a Mason himself. He favored Clay for the presidency, and proved an unwilling candidate when he found it impossible to combine all the anti-Jackson forces.

*Anti-Masonic  
party*

The Anti-Masons illustrate the political possibilities in a social movement which stemmed from ignorance and prejudice. In western New York, a region still decidedly frontier in character, strong opposition to secret organizations was fanned into flames when one William Morgan, an ex-Mason, mysteriously disappeared in 1826 after publishing a book exposing, as he claimed, the secrets of Freemasonry. Had the Masons done away with him? A dead man was found in the Niagara River. Whether it was Morgan could not be established, but it served the purpose just as well. Inasmuch as it was commonly believed that Masons exerted an undue influence upon the judiciary and in state legislatures, where they served their own selfish interests, the movement spread into the surrounding states, gradually consolidating into a political party in opposition to secret orders and Greek-letter societies of all sorts, even Phi Beta Kappa. Some young men later to become

<sup>1</sup>In order to give the impression that Van Buren was popular, the Democrats adopted the "two-thirds rule," requiring that portion of the total votes in the convention for nomination. The "New Dealers" abolished the rule in 1936.

nationally prominent—Thaddeus Stevens, William H. Seward, and Thurlow Weed—joined the party and gained political experience.

*Removal of  
the deposits*

The ensuing campaign was punctuated with vociferous mudslinging, but was redeemed by one great issue—the Bank. The popularity of Jackson's Bank veto was seemingly reflected in his overwhelming reelection.<sup>1</sup> It is more probable that his victory was a personal triumph (like that of 1828) rather than a nation-wide endorsement of all his policies. Nevertheless Jackson rightfully believed that he had a mandate from the people to kill the "Monster on Chestnut Street." But before coming to death blows with the Bank he had to see the nullification issue settled. This crisis (previously described) was successfully passed in March 1833. The way was then clear for tackling "Nick" Biddle once again. Jackson's eagerness for the fray was sharpened by the Bank's activity in the campaign of 1832.

Inasmuch as the Bank's charter would not expire until 1836, Jackson's plan was to weaken the institution by withdrawing the federal deposits which regularly stood at seven or eight million dollars.<sup>2</sup> He justified his action by charging that the deposits were unsafe. But, according to law, only the Secretary of the Treasury might make the removal. McLane opposed Jackson's program and besides was burning with political ambition, so he was advanced to the State Department which Jackson had vacated by making Livingston minister to France. McLane's successor was William J. Duane, chosen for the express purpose of removing the deposits. When for some reason he failed to carry out instructions his procrastination was cut short by summary dismissal, no painful cabinet reorganization being necessary in his case.

Roger B. Taney, the Attorney-General, and a man after the President's own heart, succeeded Duane in September 1833. Taney immediately put Jackson's plan into execution, and after October 1 Treasury revenues were placed with state banks (Jackson's "pets") which were chosen after investigation by Kendall; while expenses

<sup>1</sup> He received 219 electoral votes, Clay 49, and Wirt only 7. South Carolina, alienated by Jackson's break with Calhoun, as well as by the tariff of 1832, deliberately threw away her 11 votes on John Floyd of Virginia. Wirt carried Vermont alone. Van Buren received 30 fewer votes than his running mate.

<sup>2</sup> The amount was slightly less than \$10,000,000 on October 1, 1833, when removal of deposits began.

of the government were paid by drawing upon its funds in the Bank. Thus the blow was softened lest business be deranged by the shock which the Bank must sustain.

In the meantime Biddle had begun his campaign for recharter by playing politics. He would turn the screws until a suffering people compelled Jackson to yield! The "old Indian scalper" should feel the power of the Bank! And so he did, for Biddle was the most powerful and most feared financier in American history. *Biddle retaliates*

There is no question that the government's new policy necessitated the contraction of loans by the Bank, because government deposits, like any other, served as the basis for a severalfold expansion of credit. In other words, the removal by the government of some eight millions of deposits automatically reduced the Bank's credit by many millions. But Biddle ordered curtailment two months before the Treasury began placing its receipts in state banks. Moreover, the curtailment was twice as great in the South and West, where the movement of crops called for large loans, as it was in the East. Interest rates rose from six to fifteen per cent. Business failures and unemployment resulted. "Biddle's panic" in a time of great prosperity caused many people, temporarily at least, to desert Jackson as the astute banker had foreseen; but the President entertained not the slightest notion of capitulating. In the Senate the pro-Bank majority under the leadership of Clay and Webster waged a strenuous but futile campaign against Jackson. The best they could do was to adopt a resolution censuring the President for his "unconstitutional" action in removing the deposits. Jackson countered with a vigorous "Protest."<sup>1</sup> *Jackson censured*

By the summer of 1834 many prominent men who had been supporting the Bank deserted Biddle, for it had become evident that Jackson's war on the Bank was less dangerous than Biddle's war on the people. Biddle, therefore, gracefully accepted the inevitable and reversed his financial policy. Business soon became normal again.

<sup>1</sup> Not until January 16, 1837, was the matter adjusted. At that time Jackson's followers in the Senate, under the leadership of Benton, adopted a resolution "expunging" the "Censure." Benton's warm friendship for Jackson hardly ran true to form; because Jackson long carried in his arm a bullet presented by Benton's brother in the famous brawl in Nashville in 1813. The bullet caused so much trouble that it was removed in January 1832.

*The "Mon-  
ster" is dead*

In 1836 the Second Bank of the United States ceased to exist.<sup>1</sup> It had served the government well and had exerted a mighty influence in stabilizing the finances of the nation. But it was a private monopoly which took rich rewards for its services, and to many it appeared highly dangerous. So to Jackson, representing the interests (or perhaps the prejudices) of the people, went the victory. The "Octopus" was dead! It was left to Jackson's successor to reap the full effect of his financial policies.

*Foreign  
affairs*

In the field of foreign affairs Jackson's administration won some success, although the President himself contributed little except stubborn determination. But "shirt-sleeves" diplomacy seemed to work, and most Americans were more concerned about the outcome than the means by which it was attained.

*West Indian  
trade*

The oldest problem and the first settled was that of the British West Indian trade. It will be recalled that after the War of Independence this highly prized trade was closed, and that repeated efforts to open it were of little avail. In consequence of this British monopoly American direct commerce with England was adversely affected; for British vessels, enjoying a triangular trade between home ports, America, and the West Indies, could underbid their less fortunate rivals.

Diplomacy failing, Congress in 1817 resorted to trade reprisals. Until 1825 successive acts of Congress and Parliament, as well as the labors of Secretary Adams, had done little but aggravate a bad situation. Meanwhile a movement in favor of a more liberal colonial trade policy, as well as free trade, was gaining headway in England. It was reflected in 1825 by an act of Parliament which opened British colonial ports to countries which were willing to make reciprocal concessions. Eager to secure still further concessions, Adams delayed until the offer expired. Thus when Jackson became President the British West Indian trade remained absolutely closed.

Secretary Van Buren, tactful as usual, took charge. The new

<sup>1</sup>With the expiration of its national charter the Bank continued operations under a Pennsylvania charter until it failed in 1841. Biddle retired in 1839. On December 10, 1841, a Philadelphia grand jury indicted him "for conspiracy to defraud the stockholders of the Bank of the United States." The Court of General Sessions freed him, but there was a general belief that had justice been administered Biddle would have spent his last years in the penitentiary.

minister to Britain, Louis McLane, was permitted to explain that the American people had repudiated Adams' policy by turning his administration out of office. This breach of etiquette was later used by the Senate opposition to defeat Van Buren's own appointment to the Court of St. James; but it broke the diplomatic ice. McLane reached an understanding in consequence of which the President, by Congressional authorization, was able to proclaim (October 5, 1830) the removal of American restrictions on British shipping. Two months later, by an Order in Council, Britain threw open her colonial ports to American vessels. Jackson had accomplished what every President before him had striven in vain to do.

*Agreement of  
1830*

Far more sensational were the incidents connected with the settlement of American claims against France—claims arising chiefly from confiscations of ships and goods under Napoleon's decrees. Not having been represented at the Congress of Vienna, no provision was made for the payment of these claims. Subsequently, though the French government admitted the justice of many of them, all efforts toward settlement had failed.<sup>1</sup>

*Claims  
against  
France*

Jackson's minister to France was the energetic William C. Rives, bearing instructions to push the American case. Although willing to discuss the matter, the French presented counterclaims for the heirs of Beaumarchais and for the alleged violation of French rights under the Louisiana treaty of 1803.<sup>2</sup> The Revolution of 1830 interrupted negotiations, but the patient and persistent Rives was rewarded with the signing of a claims convention on July 4, 1831. Both sides compromised. The United States would receive 25,000,000 francs in satisfaction of all French claims against her. Furthermore, in return for the renunciation by France of her interpretation of the disputed articles of the Louisiana treaty, the

*Convention  
of 1831*

<sup>1</sup> Claims of the United States against Russia, Sweden, Denmark, Portugal, and the Two Sicilies because of the Napoleonic Wars (confiscations of American shipping by Napoleon's decrees) were satisfactorily settled, 1825-1832. Claims of the same sort against the Netherlands were included in the settlement with France.

<sup>2</sup> Beaumarchais supposedly had advanced, in the form of supplies during the American Revolution, a million francs which had not been repaid.

By the terms of the treaty of 1803 the ships of France were to be "forever" on the "most favored nation" footing in the ports of Louisiana. When the United States made some concessions to Great Britain by the commercial treaty of 1815, France claimed the same as her right. The United States would not agree.

United States agreed to reduce duties on French wines for a period of ten years. Payment was to be in six annual installments, beginning one year after ratification (February 2, 1832). In the amicable settlement there was no hint of coming squalls.

*French  
failure  
to pay  
installments*

The settlement was favorably received in America, but when the first payment fell due no money had been appropriated by the Chamber of Deputies. Scrupulously honest in his own financial dealings, Jackson was aroused by what he considered a breach of honor on the part of France. He therefore arranged a draft on the French Treasury through the Bank of the United States. When the draft was refused in Paris, Biddle demanded heavy protest charges from the American Treasury, and when refused he deducted the amount due the government on stock dividends. Thus were further complications created.

*Jackson  
urges  
strong  
measures*

In June 1833 the forceful Edward Livingston succeeded Rives, with instructions to press for an appropriation. The Chamber remained obdurate. Jackson warmed up to the fight. The following June he ordered the navy to be in readiness, and in his annual message of December 1, 1834, recommended the seizure of sufficient French property in America to satisfy the debt—unless the money should be voted in the next session of the French Chamber. France was insulted. She recalled her minister at Washington, gave Livingston his passports, and sent warships to American waters. However, the money was appropriated, but with the proviso that no payments would be made until an apology for Jackson's message was tendered. Jackson in his next annual message said he had not intended to insult the French and therefore would never stain the honor of his country by an apology for the statement of a truth or the performance of a duty. A few days later he asked Congress for large and speedy appropriations for the navy and coast defenses. France had no desire to fight, and through an offer of mediation by the British government found a convenient way to save her face. So French honor was satisfied; installments were paid to date, and Jackson could add another feather to his cap.

*A solution  
found*

*Texas*

In the same month (May 1836) that Jackson announced his victory over France, he learned that Samuel Houston had overwhelmed Mexico's army and captured her President, Santa Anna.

The acquisition of Texas—a thing which Jackson had long desired—was approaching realization.

When Secretary Adams, in 1819, reluctantly accepted the Sabine as a Southwest boundary, he relinquished such negligible claims as the United States had had to Texas. But many Americans refused to accept the finality of the settlement. James Long even led a filibustering expedition into Texas (1819) for the avowed purpose of saving the province from Spain; and Adams had been in the presidency but three weeks when he instructed Joel Poinsett, our first minister to Mexico, to offer \$1,000,000 for Texas as far as the Rio Grande.<sup>1</sup> No headway was made with the proposition, partly because no president of Mexico dared risk popular displeasure by selling. Time produces strange results—Poinsett is best remembered for the introduction into America of the flower, named for him, which gives such a lively splash of color to the Yuletide.

*Adams and Texas*

Jackson, likewise eager to acquire Texas, sent Anthony Butler to succeed Poinsett with instructions to offer as much as five millions. He succeeded only in further insulting the proud Mexicans. When Butler then proposed to Jackson the judicious use of bribery his effectiveness was finished.

*Jackson tries to purchase*

In 1819 the wide prairies of Texas were virtually uninhabited and very weakly garrisoned, the province being maintained only as a protection to Mexico against the too aggressive Americans. Despite the weakening grasp of Spain, her officials had done very well at keeping Americans out. Those who had the temerity to enter for raiding the herds of wild cattle and horses or for filibustering were expelled, slaughtered, or imprisoned. But in 1821 Mexico became independent, and land-hungry frontiersmen, led by Stephen Austin, spilled across the boundary.

In December 1820 Moses Austin, father of Stephen, with a long life of pioneering behind him (including Spanish citizenship while a resident of Upper Louisiana before 1800) appeared at San Antonio, Texas, seeking permission to colonize 300 families in the province. His petition was granted; but the following summer, having been "blistered and bled most copiously," Moses died

*The Austins*

<sup>1</sup> Inasmuch as the independence of Mexico was won before the treaty of 1819 was ratified, it was hoped that the boundary might be "rectified." Mexico was willing, providing the boundary be pushed eastward! In 1828 a new treaty was signed confirming the boundary of 1819.



before the patent was issued. Stephen carried on, first with the short-lived monarchy of Iturbide, which confirmed the session, then with the republican governments which followed. Until 1828, when constitutional government was established in Texas, Austin was virtually a dictator—honorable and just in his dealings both with Texans and with the Mexican government.

*Inducements  
to settlers*

Terms under which settlers were admitted to Austin's grant included evidence of unblemished character—no "Gambler, nor profane swearer no idler" would be received—and espousal of the Roman Catholic faith. Those who could qualify might have as much as 4428 acres at twelve and a half cents per acre. In 1825 the legislature of Coahuila and Texas (together they formed a single state in the Mexican Union), acting under federal statute, enacted a general colonization law offering to any *empresario* who would bring in as many as 200 families a gift of 66,000 acres, and to each head of a family 4428 acres of pasture lands at less than \$200, or about 177 acres of rich agricultural lands. The prodigal generosity of the terms was highly attractive to Americans seeking new cotton lands. In the United States the minimum price of public land (Act of 1820) was \$1.25 per acre. Good cotton land commonly sold for many times more. Yet migration was slower than might be expected. Between January 1822, when Austin founded the first legal settlement of Americans in Texas, and 1830, considerably less than 20,000 settlers entered. But, significantly, the law-abiding early settlers were rapidly being overshadowed by adventuresome newcomers who were alien to Mexican interests in culture, religion, and political background. Too late, Mexico discovered that her colonization policy was a sad mistake. In 1830 she enacted a law forbidding further immigration of any sort from the United States, but it was impossible to enforce the law, and its result was to increase friction and hasten revolt. Inseparably connected with immigration was another cause for trouble—one which was to have serious repercussions in the United States—slavery.

*Why the  
movement  
into Texas?*

Until well into the present century it was commonly believed that the movement into Texas, with the resulting revolution against Mexico, the annexation of Texas to the United States, and the Mexican War were all the fruits of a great Southern "con-

spiracy" to acquire more slave territory. This theory was the brain-child of the abolitionists. J. Q. Adams in a three weeks' speech in Congress (1838) was a mighty factor in giving it currency—the new Republican party and historians with antislavery antecedents sharpened by the Civil War kept it alive. Now we know that, however strenuously Southern leaders tried to protect slavery during the generation preceding the Civil War, the settlement of Texas, like the movement into Wisconsin and Iowa during the same years, was but a phase of the westward advance. The region nearest Texas, the South Central states, furnished most of its settlers. It was as natural for them to take with them their property, including some slaves, as for Northerners to take their horses into Iowa.

Austin seems to have been opposed to slavery, but defended the institution as an economic necessity. There was no labor to be had in Texas except the slaves brought from the states. Of what use was the ownership of abundant fertile soil unless it could be developed extensively! Slaves constituted about one-tenth of the population in 1835 when the revolution began.

On July 13, 1824, the Mexican government enacted the first measure looking to the gradual extinction of slavery by forbidding the further immigration of slaves. Finally, in 1829, President Guerrero issued a decree abolishing the institution throughout Mexico. However, before a word of protest from the colonists reached the capital, the President ruled that the decree should not apply to Texas. But slavery was definitely on the defensive and was a factor of some consequence in producing a spirit of rebellion. Other causes for serious friction were religious difficulties, unsatisfactory tariff regulations designed to stop direct commercial relations between Texas and the United States, and a defective judicial system.<sup>1</sup> Finally, there was the union of Texas and Coahuila into a single state in which the Texans had but one-sixth of the total representation.

*Mexican  
opposition to  
slavery*

The colonization law of 1830 was a definite turning point. Troops were sent into Texas in an attempt to enforce Mexican

<sup>1</sup> Legal procedures were extremely slow and aggravating. Criminal cases were dragged out for as long as three years, with a consequent loss of freedom for the defendants and expense to the community.

*Texan  
grievances*

regulations. The liberal Mexican constitution of 1824 was being changed by successive revolutions to one of centralized control. For a while in the early 'thirties the Texans supported Santa Anna, who posed as a liberal upholding the constitution; but when victorious he denied the autonomy which Texas expected, took steps to dissolve the federal system, reduced Texas' militia, and placed her government under his complete control. Austin went to Mexico City to present the case for Texas, only to be imprisoned a year for his pains. He returned in 1835 to join the restless element which was moving rapidly toward independence. In this group was Sam Houston who first appeared in Texas in 1832, but was not definitely established there until 1835. There is no reliable evidence whatever to support the Northern belief that Jackson sent him to revolutionize Texas after the failure of repeated efforts to purchase the province.

*Samuel  
Houston*

Houston, like Jackson, was a grand product of the frontier. He served under Jackson at Horseshoe Bend where he was desperately wounded. Later admitted to the bar, he forged ahead to membership in Congress and the governorship of his state. Suddenly, for reasons never made clear, he deserted the governorship and his bride and rejoined his old friends, the Cherokees. Soon the "Big Drunk," as they called him, appeared in Washington to plead their cause. Jackson sent him to deal with border Indians, and thus he appeared in Texas.

*The Texan  
Revolution,  
1835-1836*

Protesting against the dissolution of the federal system and the placing of control in the hands of Santa Anna, the Texans established a provisional government in the fall of 1835 and drove out the Mexican garrisons.<sup>1</sup> Until then, like English colonists before 1775, a majority of the Texans favored constitutional adjustments. Into Texas came Santa Anna with 3000 men to crush the disorganized opposition. At *The Alamo*, an abandoned mission in San Antonio, the gallant William Travis and James Bowie (inventor of the famous knife which bears his name) with 188 men held out for thirteen days against the Mexican army in one of the most desperate struggles in American annals. The remnant of sick and wounded which finally fell into Santa Anna's hands was

<sup>1</sup> The final act for the dissolution of the federal system did not come until October 3, 1835. The first shot in the revolution was fired at Gonzales, October 2.

shot at his command. A few days later at Goliad about 300 Texans were overwhelmed and shot in cold blood. A wave of horror swept Texas and steeled the little army which Houston kept in retreat before Santa Anna's advance.

On April 21, 1836, on the San Jacinto river, Houston caught Santa Anna off guard, and in a quarter-hour's engagement the Mexican army was killed or captured almost to a man. The biggest prize was Santa Anna himself, the "Napoleon of the Western World," whose leadership to the rear was so rapid that he rode down his own soldiers. With difficulty Houston saved him from the avenging Texans. Houston's losses were six killed and twenty-five wounded. The independence which Texas had proclaimed in March was won by the Battle of San Jacinto; for Mexico thereafter never made a serious attempt at reconquest. *Battle of San Jacinto*

Having won their independence, the Texans elected Houston their President, voted overwhelmingly in favor of joining the United States, and sent an envoy to Washington seeking recognition of their independence and annexation. Jackson's desire for Texas was well known, and he had made no particular effort to prevent hundreds of Americans from joining the Texan army. But abolitionist sentiment was growing, and Jackson did not wish to jeopardize Van Buren's presidential prospects by injecting Texas into the campaign. Van Buren's election was safely out of the way before Texas' first formal request was presented to the United States on December 20, 1836. Thereafter, lest he fan the flames of sectionalism, Jackson postponed action until his last day but one in the presidency. Then, on the recommendation of both Houses, he recognized the independence of the new republic. Annexation must wait.

The next day, feeble from long illness but sustained by the fighting spirit which had never asked quarter, the old President enjoyed his last triumph as he rode along Pennsylvania Avenue with the successor of his choosing in a carriage made from the wood of the *Constitution* and drawn by four famous Jackson grays. Homeward then to his beloved Hermitage, expressing thanks for the happy outcome of his labors but admitting regret because he had been unable to shoot Clay or hang Calhoun. *Last triumph of Jackson*

The Old Hero was a character of pronounced contradictions,

Summary of  
Jackson's  
"reign"

but he was motivated by a sincere desire to serve the best interests of the nation. When calm his judgment was sound; when angry, which was often, he jumped to hasty conclusions, and he was intolerant of the opinions of others. Nevertheless, few, if any, of our Presidents have had a clearer understanding of the public will, and his policies in most respects were not only in accord with it, but in general have been approved by the lapse of time. His position respecting nullification, the tariff, Indian relations, and Texas are examples in point, likewise his conception of the strong chief executive, responsible only to the people.

THE HERMITAGE. HOME OF ANDREW JACKSON

*Courtesy State of Tennessee Department of Conservation*



But with all his stubborn insistence upon the presidential prerogative, and of the supremacy of the Federal Government, Jackson entertained firm convictions concerning limits beyond which neither should go. It is well known, for example, that he strongly opposed a long presidency and urged an amendment to the Constitution limiting the term of office to two terms. Nor did he favor an extension of presidential discretionary power. In his own words, the President should be "ever anxious to avoid the exercise of any discretionary authority which can be regulated by Congress. The biases which may operate upon him will not be so likely to extend to the representatives of the people in that body."

Tucked away in inaugurals, annual messages, and his Farewell Address are many other bits of advice which may well be pondered after the lapse of a century. A few samples will suffice. Respecting the exercise of Federal power:

*Advice  
to the people*

To suppose that because our Government has been instituted for the benefit of the people it must, therefore, have the power to do whatever may seem to conduce to the public good is an error into which even honest minds are too apt to fall. . . .

Every attempt to exercise power beyond these limits [defined by the Constitution] should be promptly and firmly opposed, for one evil example will lead to other measures still more mischievous; and if the principle of constructive powers or supposed advantages or temporary circumstances shall ever be permitted to justify the assumption of power not given by the Constitution, the general Government will before long absorb all the powers of legislation, and you will have in effect but one consolidated government. . . .

We should recollect that that instrument [the Constitution] provides within itself the mode of its amendment, and that there is, therefore, no excuse for the assumption of doubtful powers by the general Government. If those which are clearly granted shall be found incompetent to the ends of its creation, it can at any time apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused.

In matters pertaining to taxes and debt:

The experience of other nations admonishes us to hasten the extinguishment of the public debt. . . . No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties who long acquiesce in a policy

which taxes them for objects not necessary to the legitimate and real wants of their Government. . . .

The shortest reflection must satisfy everyone that to require the people to pay taxes to the Government merely that they may be paid back again is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive public countenance . . . a distribution to the people is impracticable and unjust . . . it would be taking one man's property and giving it to another.

Whatever his opinions, no President ever has been more popular than Jackson, none has fought more tenaciously for what he considered right, none has made a greater impression on the people of his age.

## Chapter Thirty-Two

### SOCIAL AND ECONOMIC CONDITIONS, 1830-1850

THE ERA in which Jacksonian democracy was established in government was likewise one of revolutionary social and economic transformation, particularly in the North where remarkable advances were made in industry, agriculture, and transportation—changes which the South experienced relatively little. By 1850 the cotton plantation dominated the South, and the slavery question (in its infancy as a source of controversy in 1830) became so acute as to threaten the Union; for Mason and Dixon's Line had come to separate two distinct civilizations.

The antislavery controversy was but one phase of significant social change. During the 'thirties and 'forties, for the first time in history, the American people were testing whether the finer gifts of civilization could become the heritage of the "common man" without being made coarse and plebeian. It was a period of intellectual and moral renaissance. In education, religion, and literature, striking progress was attained, and humanitarian movements flourished. Indeed, an optimistic spirit of reform encompassed everything from woman's rights, temperance, and penology to communism and transcendentalism. Save the South and parts of the West, the old Puritan predilection for reforming others became nation-wide in its scope. *An era of progress*

In 1830 the United States was decidedly rural. There were only twenty-five cities of 8000 or more inhabitants, and only one-twentieth of the people dwelt in them. New York, profiting from her splendid location and served by the Erie Canal, boasted more than 200,000 inhabitants. Philadelphia with nearly three-fourths *Growth of cities*



as many was second in size, followed in order by Baltimore, Boston, New Orleans, Charleston, and Cincinnati.<sup>1</sup>

*Conditions  
in cities*

Cities of that day were poorly paved, if at all, water systems were inadequate,<sup>2</sup> fire departments were volunteer or private companies which frequently took more pleasure in outdoing rivals than in quenching a blaze, and organized police forces hardly existed. Pittsburgh was already noted for its dingy atmosphere, but a visitor was delighted with her "polite, chaste and gentlemanly" workmen. New York, like other larger cities, had installed gas lighting, and in 1832 enjoyed her first horse-drawn street cars; but in spite of such advancement had the reputation of being "the dirtiest city in the Union." Five years later a resident found the crossing of Broadway "almost as much as your life is worth." "Look up street and down street . . . and then run for your life." Life in the metropolis was speeding up, but for scavenger service the city still placed her trust in pigs—Charleston in buzzards. Boston with conscious superiority installed public sewerage in 1823.

*Beauty and  
manners*

New York and Charleston took civic pride in their beautified harbor fronts; but in cities generally, save for occasional monuments and public buildings, material charm was sadly lacking. The chaste beauty of colonial and Georgian architecture was giving way before a demand for something more resplendent; but still a goodly number of individuals, possessing both taste and means, built attractive mansions (often copied from Italy, England, or France) whose survival in country as well as town from Massachusetts to Louisiana eloquently testifies to a life of refinement for a portion of the population. In about the same ratio

<sup>1</sup> Approximate population, in thousands, of principal cities:

	1800	1810	1820	1830	1840	1850	1860
Baltimore	26	35	63	81	102	169	212
Boston	25	33	43	61	93	137	178
Charleston	20	25	25	30	29	43	40
New Orleans		17	27	46	102	116	168
New York	60	96	124	202	313	515	805
Philadelphia	69	92	113	161	220	340	562
Chicago					4	30	109

<sup>2</sup> As early as 1822 Philadelphia had completed a system for supplying river water. New York in 1842 celebrated the opening of water mains from the Croton River. By that time all the larger cities were supplying water by artificial means.

Americans divided themselves between those who had good manners or bad. European travelers agreed that Americans had none at all, but be it said that they seldom traveled in the South. Americans refused to show deference for their "superiors"; they chewed tobacco and spat indiscriminately, and ate too rapidly and with the wrong instrument. Although women of means won favorable comments on their appearance, there were many who made a vulgar display after the manner of the newly rich. The fashion plates of *Godey's Lady's Book* reflected Paris styles, and encouraged feminine creations of crinoline, whalebone, et cetera, wondrous to behold. While the male dandy was hardly less exotic, most men were commonly careless in their attire and too often disdained the weekly bath. Democracy in the raw might be shocking, but at least it was functioning.<sup>1</sup>

There were fine attributes of life, too. Aristocracy had not disappeared; theoretically, at least, it was within the reach of everyone. There was no barrier to prevent Henry Clay, "The Cock of Kentucky," from becoming Mr. Clay of Ashland, or the up-country Calhoun from entering the most exclusive society of America—the elite of Charleston. Moreover, American aristocracy, unlike the European, insisted that every member do something productive, although he was not supposed to lose himself in money making. If a man wished to be a "loafer" he might, if able, go to Europe where the atmosphere was more congenial.

A warmer tone of human sympathy was general, and a note of optimism pervaded the country. Individualism remained rampant on the frontier, while self-respecting Southerners could never lose theirs; but elsewhere the general rule was that of prevailing uniformity of ideas and of uncritical tolerance for the customs, conditions, and institutions accepted by the majority. On the other hand, minority groups, such as abolitionists and immigrant Catholics, which did not win the approval of this same majority, were

*Popular  
character-  
istics*

<sup>1</sup> Advice on etiquette (abounding in magazines of the day) suggests some of the difficulties encountered by democrats in acquiring polish. Ladies should not use slang, such as "gents, pants, and snooze"; guests at table should not pick their teeth, nor swish water in their mouths then spit it back into the container; and if one were "so unfortunate as to have contracted the low habit of smoking," he should indulge with discretion if he wished to be "considered fit for civilized society."

visited with extreme intolerance. Democracy was proving successful, but, perforce, with such unsatisfactory results for one minority section (the South) as to lead to eventual destruction of the Union.

*Washington  
society*

Charleston still boasted the finest society in America, and for the elect her social season was pleasant indeed. But the center of life and fashion, where agreeable gaiety was the rule, was the still-raw capital when Congress was in session. Accommodations in Washington were cheap and abundant, and thanks to slavery there was no servant problem. The lighting and streets were so bad that theater performances—starring Fanny Kemble, who wrung tears from John Marshall and inspired Justice Story to poetry, and the half-mad Junius Booth with his intense mouthing of Shakespeare—were sometimes postponed to accommodate the patrons, but the gay round of parties where feminine wit sparkled and senatorial gladiators met in friendly repartee continued unabated.<sup>1</sup> Adding zest to social intercourse was the waltz and the newly introduced polka, denounced by the unsympathetic as evidence of the “moral degeneracy” of the age. It is an interesting commentary on the times, as well as the station of women, that the Senate and Supreme Court chambers were fashionable resorts of the favored.

*Urban  
recreation*

Social outlets for the common people were likewise but little changed from those of an earlier generation. To urban dwellers the theater offered sentimental melodrama, punctuated with Shakespeare and occasional fights between partisans of rival English and American players. In 1849 a theater riot in New York cost over 100 lives. Negro minstrels, representing a truly American type of entertainment, became immensely popular in the 'forties and helped focus attention upon the Negro as a human being. For lighter amusement there were many places where exhibitions of mechanical models, wax works, magic, dancing, acrobatics, and trained animals were presented. It was the day in which P. T. Barnum began his career with a museum of fakes which blossomed eventually into the “Greatest Show on Earth.”

<sup>1</sup> Junius Booth had three actor sons, Junius Brutus, Edwin Thomas, and John Wilkes. Edwin, like his father, became famous as a Shakespearean tragedian. John assassinated President Lincoln.

In rural districts there were parties and the square dance, quilting and husking bees, spelling matches, weddings, singing schools, camp meetings, barbecues, county fairs, and horse trading on court days. On the frontier might be added house raisings, log-rollings, and funerals, with a complement of horse racing, shooting matches, and "wraslin" with nothing barred.

For the country at large the seasonal migration of the elite was to the fashionable new resorts such as Newport, Niagara, or Saratoga Springs, though Southerners still took cottages for their families at White Sulphur and other Virginia or Kentucky springs. Such sojourns were for reasons of health as well as pleasure. Human ills were many, and medical science was still in its infancy. Pallid complexions, especially in women who were considered delicate, attested to much bad cooking and general ignorance of dietary science.<sup>1</sup> Home remedies, sometimes unbelievably primitive, and advertised concoctions claiming prodigious curative qualities were freely used.<sup>2</sup> Doctors, particularly on the frontier, were still prone to justify their existence by heroic ministrations which sometimes tested the sturdy ancestry of their patients. Before plagues, such as cholera and smallpox, many fled in terror.

*Watering  
places*

Contributing greatly to the pleasures of living, particularly in the city, were new stoves, kitchen ranges, ice refrigerators, washing machines, and even bathrooms.<sup>3</sup> The French "daguerreotype" enabled people to have a good likeness (if able to sit still sufficiently long) without the necessary expense of portrait painting. A Frenchman, L. J. M. Daguerre, in 1839 successfully introduced

*New  
comforts*

<sup>1</sup> A pale complexion was considered fashionable by some young women, and was encouraged by eating paper, powdered chalk, spices, and pickles, and by drinking vinegar, thus developing a morbid appetite for unnutritious foods.

<sup>2</sup> A staggering portion of newspaper advertisements was devoted to quack medicines, and to the brazen elucidation of preventatives which modern press censorship forbids.

Roake's iodine liniment was guaranteed to cure the most extreme cases of every known complaint from bunions and barber's itch to king's evil. One widely advertised remedy "was recommended as a cure for consumptions, cholera morbus, inflammation, dyspepsia, fevers, ague, indigestion, diseases of the liver, gout, rheumatism, lumbago, dropsy, St. Vitus, epilepsy, apoplexy, paralysis, green sickness, small pox, measles, whooping cough, and syphilis."

<sup>3</sup> As early as 1836 Philadelphia had over 1500 bathtubs, although their use was prohibited from November 1 to March 15 for reasons of health. A decade later Boston forbade their use unless advised by a physician. The first bathtub was installed in the White House in 1850.

the process of making photographs on silver-plated copper. "Their exquisite perfection" immediately captivated American interest, although from five to ten minutes were necessary for an exposure even under good lighting conditions. In the 'fifties wet plates came into use, displacing the daguerreotype, and with them the era of tintypes and the family album. The most famous of early American photographers was M. B. Brady. With a fair measure of success he attempted to record the history of the Civil War in photographs and pictures.

A factor of encouragement for evening reading and later retirement was improvement in home lighting. Lamps were replacing candles. Before gas and petroleum came into use, whale oil was the best illuminant. In the 'forties New Englanders were still doing a thriving business in whaling, but the diminishing schools of whale made its oil increasingly expensive. In 1850 the price was two dollars or more per gallon; consequently, for most people, candles and lard oil produced the best light in common usage until "coal oil" lamps were made practicable in the 'fifties.<sup>1</sup>

ports

For men there were various diversions, though few, according to present-day standards, were athletic sports. Outside the Old South, hunting, fishing, and riding generally represented work rather than recreation, though squirrel-hunting or its equivalent, purely for sport, still survived in Kentucky and other places where wild game was abundant. In rural districts, especially on the frontier, young men tried their skill in tests of strength. Lifting weights, throwing shoulder stones, the maul, and knives, and rough-and-tumble wrestling were common. Abraham Lincoln

<sup>1</sup>In the meantime camphene (a mixture of turpentine and alcohol) was a popular but dangerous substitute. Because of the need for a new illuminant, scientists were actively seeking substitutes for whale oil. "Coal oil" was the name given to the substance being produced from coal in considerable quantities by the early 'fifties.

The existence of petroleum in the region of western Pennsylvania and New York had been reported by a French missionary in 1627. Early settlers discovered that the oil which flowed from springs could be used for lubrication, but was too smoky and ill-smelling for indoor illumination. Its vile taste suggested medicinal properties, and as "Seneca Oil" was sold to buyers from Pittsburgh. One Samuel Kier exploited it as "Rock Oil," good for consumption, liver complaint, and cholera morbus.

In 1853 a professor of chemistry at Dartmouth analyzed a sample, finding it a valuable illuminant when refined. The first oil well—"Drake's Folly"—was successfully sunk near Titusville, Pennsylvania, in 1859. A frenzy of activity in oil production followed.

was a sort of wrestling champion but had no call to defend his laurels outside his community. Cricket and rowing were slightly indulged in the East, and baseball was organized in 1839, but by far the most popular sport of all was horse racing. Andrew Jackson helped to make it more so. While President he entered his horses on the National Course near Washington—a place so popular that a quorum in Congress was sometimes obtained with difficulty. In earlier years he moved in the first rank of Western turfmen. His famous horse, Truxton, won more than \$20,000 in prizes, not to mention side bets, and his stable always took a considerable share of his interest.

On the Mississippi, steamboat racing against time as well as rivals enjoyed immense popularity. By 1834 the *Tecumseh* held the record from New Orleans to Louisville with eight days and four hours. In 1853 the time had been reduced to slightly more than four days and eight hours. Many were the attempts made to establish new records, and many were the boilers that burst. Sometimes steamers were stripped for action with the utmost caution taken to preserve a nice balance (Mark Twain tells of a captain who, it was reported, even went so far as to part his hair in the center with a spirit level). Pitch, oil, turpentine, and lard occasionally were used to produce more steam, and the safety valve held down to make the most of it. One of the worst racing tragedies was that attending the *Ben Sherrod*, May 8, 1837, when its boilers burst. The rival captain was so intent on winning that no help was given the victims, about 200 of whom lost their lives.<sup>1</sup>

Inextricably associated with racing was gambling. It was in the blood of an age that was staking much on the future of America, and when not associated with horse racing, cockfighting (President Jackson had his own birds) or gambling houses, it was lotteries.<sup>2</sup> Lotteries were authorized by state legislatures for financ-

<sup>1</sup> The most famous of all Mississippi races occurred in 1870 when the *Robert E. Lee* and the *Natchez* breasted the current from New Orleans to St. Louis, 1278 miles, in three days, eighteen hours, and thirty minutes. The "right" vessel won by six hours, arriving July 4. General Lee died on October 12 following.

<sup>2</sup> The Western steamboat gave a remarkable impetus to the practice and superseded the tavern as the center for social gambling. Boats were constructed with a view to the encouragement of gaming, and hundreds of "gentlemen of chance" augmented the opportunities for losing money at faro, chuck-a-luck, poker, and other card games.

ing colleges, internal improvements, and even churches. In the last year of his life (1826), Jefferson sought and obtained authorization from the Virginia legislature to sell his beloved estate by lottery. Heavily in debt in consequence of poor crops, low prices, wasteful slave labor, and thousands of admiring guests who literally ate him out of house and home, he could see no other way out.<sup>1</sup> In 1832, tickets in 420 American lottery schemes were sold for \$53,000,000. A year later in Philadelphia alone there were over 200 lottery offices. By 1835 most of the original states of the Union had forbidden lotteries, but elsewhere they flourished. Not until after 1850 was any really notable curb placed upon the vicious practice.

*Trans-  
portation*

America in the 'thirties was on the move, a condition made easier by remarkable improvement in methods of transportation. In the Mississippi Valley the steamboat still held first place. The development of the river steamboat, since the days when the first one was launched on western waters in 1811, was proving a disintegrating force to offset such bonds of national unity as roads and canals. Indeed before 1830 the West was feeling so complacent that citizens along the Ohio could imagine Cincinnati as the economic center of the United States. As late as the beginning of the Civil War, Southerners still believed the Mississippi was more important for commerce than the canals and railroads connecting the Upper Valley with the East.

*Canals*

The rage in canal building following the completion of the Erie Canal in 1825 (noted in a previous chapter as a cause for the panic of 1837) had spent its force before 1850, when the total mileage in the United States was over 3500.<sup>2</sup> The success of the Erie Canal was felt not only by New York City, which became the principal gateway to the West, but by the Great Lakes area which was rapidly settled as a consequence.<sup>3</sup> Chicago in 1833 was a sprawling village whose population of 350 was facing the recurrence of Asiatic cholera, which had taken a heavy toll the previous

<sup>1</sup> Learning of his difficulties, friends contributed \$18,000. But his debt was \$80,000. The lottery was not carried out, and on Jefferson's death *Monticello* went to forced sale for a fraction of its value.

<sup>2</sup> The total mileage in 1850 was nearly 3700. The East had over 2000; Ohio, 792.

<sup>3</sup> In 1841 the value of the lake trade by way of the Erie Canal was estimated at \$65,000,000; ten years later at nearly five times as much.

summer, but in that year 300 lake vessels arrived. An era of development had begun which by 1850 increased her population to 30,000. Two years later rail connections linked the city with the Atlantic coast.

Ironically, just when the canal systems were completed they were forced into the background by plank and rail roads. Thousands of miles of plank roads were built after 1835. The cheapness of construction and the excitement of travel at eight or ten miles per hour made them a great competitor of railroads until 1850. By that time the railroad had proved its superiority; the plank roads were worn out and were not rebuilt, although in some localities new ones were constructed.

In 1830 there were approximately twenty-three miles of rail-

*Plank roads*

VIEW OF THE ERIE CANAL, 1830-32, BY J. W. HILL

*Stokes Collection in New York Public Library*





*Early  
railroads*

road in the United States. In 1840 the mileage had grown to nearly 3000, and by 1850 to 9000. The first great American railroad (Baltimore and Ohio) was begun in 1828; but its objective, the Ohio, was not reached until the end of 1852.<sup>1</sup> The Charleston and Hamburg, built for the purpose of deflecting cotton from the Savannah River and for making Charleston the center of trade for the interior, was the first road of any considerable length in America. It was also the first to adopt the locomotive for motive power. When completed in 1833 it was 136 miles in length, at that time the longest railroad in the world. The first American locomotive to be put in regular service was the "Best Friend of Charleston," and was used on this road until it exploded when the Negro fireman held down the safety valve.<sup>2</sup> However, the first to make a run in America was the English-built "Stourbridge Lion," which demonstrated its power at Honesdale, Pennsylvania (August 8, 1829), to a holiday crowd and a firing cannon. The cannon burst, and the "Lion" proved too heavy for the tracks.

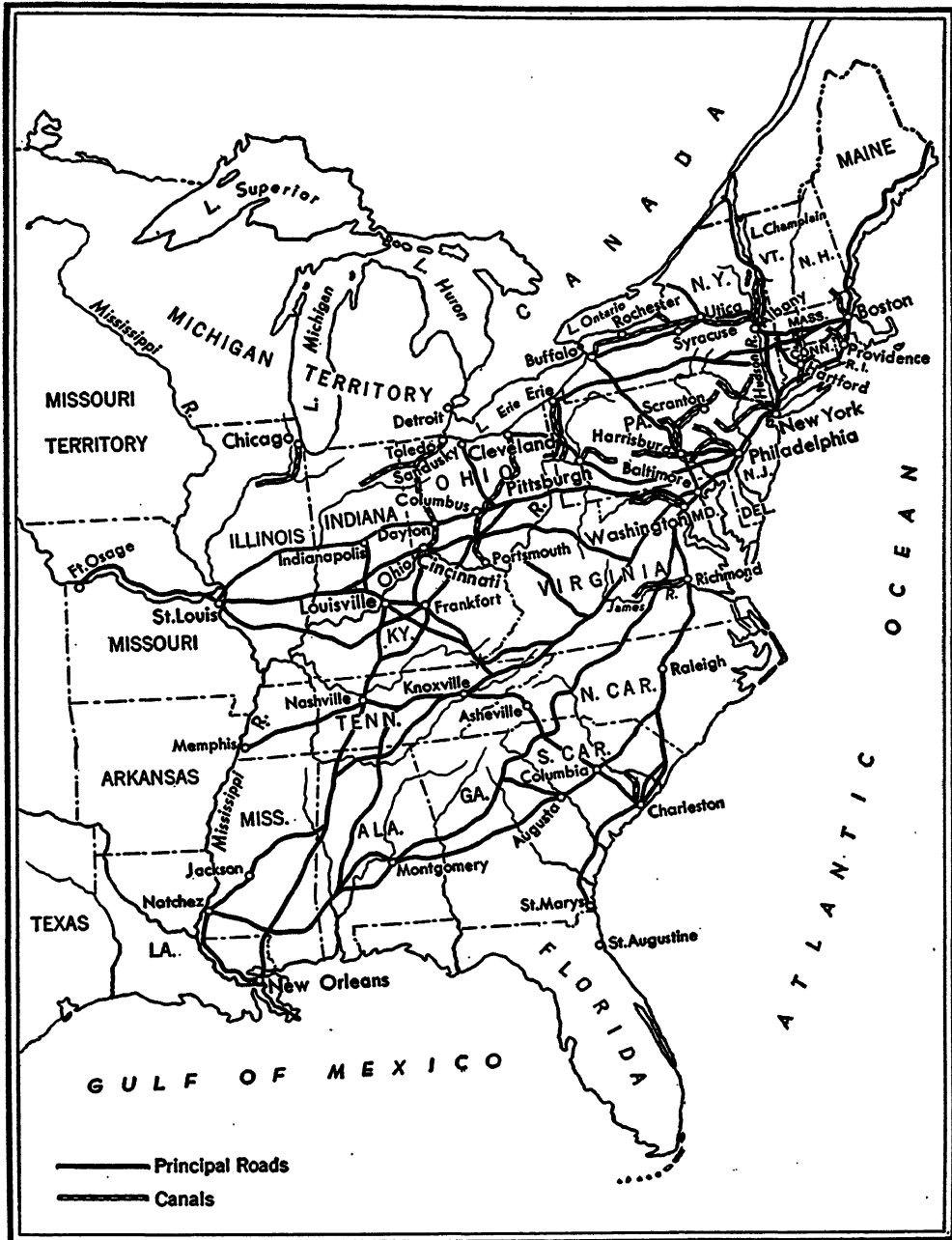
*Obstacles*

Early railroad builders had to overcome many discouragements. Strap-iron rails had a way of curling up, sometimes impaling passengers; sparks from wood-burning boilers seriously interfered with the comfort of passengers and set the woods on fire; locomotives were continually breaking down at inconvenient spots; farmers, with wheels fitted to the tracks, would meander to town with horse-drawn wagons while trainmen stewed in impotent wrath. Because farmers could recover handsomely in damages for animals killed by trains—although they might complain that the trains scared their cows so they would not give milk—they sometimes fed their cattle on the tracks; hence the device, commonly called the "cowcatcher," for saving the train.

In the early days of railroading, sober and earnest souls inveighed against the wickedness of travel at such terrific rates of speed as fifteen to twenty miles per hour. Brains were believed to

<sup>1</sup> The larger early railroads were not designed primarily to connect cities but rather to tap interior sources of raw supplies. Thus the Baltimore and Ohio (as indicated in a previous chapter) was intended to bring the resources of the Ohio Valley to Baltimore, a great rival of New York and Philadelphia.

<sup>2</sup> Peter Cooper's "Tom Thumb" was the first American-built to make a successful run for demonstration (August 28, 1830), two months before the first run of the "Best Friend of Charleston." The Baldwin locomotive works, destined to be the greatest in the world, were established in 1832.



PRINCIPAL ROADS AND CANALS CA. 1840

be so addled by the experience that men would forget their business after a ride. But Emerson, who never found a stagecoach fast enough, rejoiced in the "dreamlike travelling on the railroad." However, passengers for any considerable distance could not settle down to uninterrupted comfort. Because of rivalries among the small companies of the day, together with the various gauges of track, cars could not be moved from one road to another. Consequently, when it was possible to travel by rail and ferry from Boston to Buffalo, by 1842, about a dozen transfers were necessary. Such annoyances were fly flecks, however, to be taken in stride.

Most serious of all obstacles to be surmounted by railroads was that of finance. The early roads, if not actually state-owned, commonly received state aid. But the practice was generally discontinued following the disasters attending the panic of 1837. Railroads still managed to secure great privileges and immunities, however, and in 1850 the Illinois Central obtained the first federal grant of land in aid of construction—a practice which was common for a score of years thereafter.

*Successes*

By 1850, in spite of discouragements, the railroads were demonstrating their superiority for long-distance hauling by a great transfer of freight to them from canal boats, especially in winter. During the next decade they linked the North Central States with the East so strongly as to overshadow the old importance of the Ohio-Mississippi waterway and were a mighty factor in the rapid growth of the West. Chicago was connected with the Atlantic by rail in 1852 and was already enjoying a mushroom growth from less than 5000 souls in 1840 to six times as many in 1850, and 109,260 ten years later. By 1857 St. Louis had direct rail connections through Cincinnati with the Atlantic. Long enjoying the meaningful title of "Porkopolis," and with a great down-river trade, Cincinnati was in 1850 the greatest whiskey market in the world, one distillery alone having an annual capacity of two million gallons.

*Effect on  
agriculture*

The growth of midwestern cities, together with the greatly increased volume of trade with the East, attested to the mounting importance of Western agriculture and in turn to improved methods of farming. It was a period in which American farmers—supplying foodstuffs for industrialized western Europe—were

becoming a factor of new importance in international affairs. Realizing (partly as a consequence of the Irish famines) that she must have food, England repealed her corn laws. Agricultural exports, therefore, met the adverse balances in trade and furthered industrial development in the United States.

In the 'forties the great prairies of Illinois and Iowa were being occupied. In the earlier years of settlement men sought wooded land. Treeless soil was considered too poor for any use except *New farm machinery* pasturage. It did not supply the settler's need for lumber and fuel; moreover, before steel plows were on the market, the sod could be broken only by heroic labor, and thereafter for a year or two could hardly be coaxed to produce a profitable crop. Planting corn with an axe was not fiction. In 1837 John Deere of Illinois made a successful moldboard from a steel saw,<sup>1</sup> and soon was turning out plows in great numbers at Moline, Illinois.

Six years earlier (1831) the revolutionary character of Deere's achievement was anticipated in the Shenandoah Valley by the successful demonstration of the practicability of Cyrus McCormick's *The reaper* reaper.<sup>2</sup> McCormick had profited from the labors of his father, and with stubborn Scotch-Irish determination overcame the obstacles which had baffled all who had struggled to produce a machine which would be better than the cradle. In 1845 he established his headquarters at Cincinnati and two years later moved to Chicago. Before 1850 his total production was about 2500 machines. Thereafter the number increased rapidly. Threshing machines of sorts were used in America soon after 1800, but not until 1836 did John and Hiram Pitt of Maine invent one that was reasonably successful. Eight years later the Jerome I. Case factory was established at Racine, Wisconsin.

The day when the prairie farmer rather than the backwoodsman was the typical frontiersman was at hand. Machinery with which *Effect on agriculture* to turn fertile prairies into productive wheat lands, and railroads with which to reach hungry markets had produced the transforma-

<sup>1</sup> The evolution of the plow had been very slow. Jefferson made an improvement for which the French government conferred a gold medal. The iron plow was first patented (1797) by Charles Newbold. John Lane (1833) added a steel moldboard, but there was still room for great improvement.

<sup>2</sup> McCormick did not patent his machine until 1834. A year earlier Obed Hussey patented a reaper which was a keen rival for several years.

tion.<sup>1</sup> In the 'thirties, when the growth of manufacturing had surpassed that of agriculture in some respects and the country was consuming most of its food products, grain was imported from Europe; in the 'forties there was concern over the impending surplus. In 1838 Chicago shipped 78 bushels of wheat; ten years later, 1,066,000 bushels. It was highly fortunate for the farmer, and American commerce, that England repealed her corn laws, thus greatly expanding the market for American wheat.

#### *Livestock*

This same period witnessed considerable improvements in farm stock, especially swine and dairy cattle, and in many places a lively interest was directed toward the scientific solution of the many problems involved. The first importations of pure livestock (excepting race horses) immediately followed the Revolutionary War. Horses, swine, and Shorthorn cattle came from England; jacks and Merino sheep from Spain. Here and there a pioneer in the field of animal husbandry, like Washington, became enthusiastic over the possibilities for development, and blooded animals increased; as early as 1795 English cattle appeared in Kentucky. But in 1800 most American cattle and swine were notable for their cosmopolitan ancestry, gothic lines, and meager size rather than the succulent bounty of their carcasses. Stimulated by high wool prices, Merinos quickly won wide popularity. In 1810 ordinary wool sold for forty cents a pound; merino brought five times more.

#### *Henry Clay*

After the War of 1812 Berkshires (the leading foreign breed of hogs) and Hereford, Jersey, Ayrshire, and Galloway cattle were introduced. In the 'thirties the Ohio Importing Company was organized for bringing in fine English cattle. To Henry Clay is ascribed the honor of importing the first Herefords, which he purchased while in England following the negotiation of the Peace of Ghent. To Ashland he brought in addition Durham and Devon cattle from England, and more than a dozen expensive jacks and jennies from Spain and France. One of them, Magnum

<sup>1</sup> A formidable problem for prairie farmers was fencing. Experimentation was made with various kinds of growing hedges. The "osage orange" was the favorite. One writer declared it would make the best hedge at a cost of not more than fifty cents a rod, and within four years would be "pig tight, horse high, and bull strong." The first barbed wire was sold in the United States in 1874.

Bonum, he prized so highly that he engaged a notable artist to make a painting of him. When Orizimbo, one of his prize bulls, died, Clay announced the event to the Senate as "a great loss, public and private"—which it really was.

Clay is a notable example of a Southerner who stimulated interest in animal husbandry; but Kentucky, like Virginia, remained famous primarily for its thoroughbreds. In the South little attention was given to the improvement of swine, consequently the "razor back"—fleet and self-sustaining, often captured only with a gun—remained the mainstay for ham and red gravy until after the Civil War. In the country at large, horses and mules gradually superseded oxen for draft purposes, a process that was hastened by the introduction of machinery, such as the reaper, which would not operate successfully at slow speed.

An index to the growth of interest in scientific agriculture, as well as a stimulating influence to that end, was the increased amount of attention given by newspapers and periodicals to farming problems, as well as the organization of agricultural societies. The first of such societies was founded in Philadelphia in 1785. Washington and Franklin were members. The second was in South Carolina, and likewise was organized in 1785. Others, in Massachusetts, Connecticut, Maine, and New York, fell into line. Jefferson took the lead in organizing one for his county, and Madison was its first president. These societies attempted to stimulate better farming through premiums and other devices. The county fair, a Massachusetts contribution, appeared as early as 1810. It spread rapidly South and West. Not long after the War of 1812, state after state, as far west as Ohio, provided funds in aid of county societies. The results were disappointing, however, and the society movement went into a decline after 1830, only to revive again during the last decade prior to the Civil War. The first federal aid for agriculture was authorized in 1839, when Congress appropriated \$1000 for the distribution of free seed and the collection of statistics. Not until 1862 was a Department of Agriculture created.<sup>1</sup>

<sup>1</sup> The Department was headed by a commissioner, and was not given cabinet rank until 1889.

*John Skinner* (1788–1861) of Maryland.<sup>1</sup> In 1819 he founded the *American Farmer*, the first successful and continuous agricultural periodical in the United States. Ten years later he launched the *American Turf Register and Sporting Magazine*, the first magazine in the United States devoted to horses, hunting, and kindred sports. By virtue of a wide acquaintance he was responsible for the introduction of blooded livestock and various plants, and he attempted to popularize the use of guano. In order to further animal husbandry through scientific experimentation he established a farm for the breeding of horses, mules, and other livestock.

*Solon Robinson* (1803–1880), a Connecticut Yankee who went to Indiana in 1828. Because of his activities in behalf of squatters of that state he became known as the “King of the Squatters.” In 1852 he helped organize the United States Agricultural Society which, in turn, provided impetus for the subsequent establishment of the federal Department of Agriculture. A year later he took over the agricultural editorship of the *New York Tribune*.

*Steamboat development* Inasmuch as it was an American who developed the first successful steamboat, it is not surprising that the United States was the first country to make practical use of it. But the side-wheelers which made history in inland transportation—ideally adapted as they were to river use where changing and shallow currents were common—were not equal to the demands of the ocean. England took the lead in adapting steam to sea-going craft. It was there that the industrial revolution first began, with coal and iron playing a prominent role; moreover the British Isles did not possess forests rich in the lumber, masts, and naval stores which had always given the United States a great advantage in the building of wooden ships.

*Ocean transportation* In 1833 the Canadian *Royal William*, driven by steam alone, crossed the Atlantic. Five years later the *Great Western* entered New York fifteen days from Bristol—at that time the fastest passage ever made. Already the screw propeller had been invented.

<sup>1</sup>He was with Francis Scott Key during the bombardment of Fort McHenry, and shortly afterwards when “The Star Spangled Banner” was written, Skinner arranged for its publication.

In 1840 the British established the Cunard line, and already were experimenting with iron hulls. Five years later, by way of encouraging competition, the United States began subsidizing the Collins line, the leading American steamship concern. But after a dozen years the company was bankrupt; and the opposition of the South, together with the owners of sailing vessels, stopped the practice of extending federal aid. Most Americans were content to stick with sailing vessels, and exerted themselves to produce finer ones.

Competing on even terms, Americans by the middle 'twenties had captured the passenger and freight traffic from Liverpool to Boston and New York, and were carrying 92 per cent of the foreign trade of the United States. Remaining about stationary until the 'forties, the merchant marine then spurred ahead to first rank among all countries—a position never enjoyed since the Civil War. The reason for the supremacy of American sailing vessels is to be found in their graceful slender lines and excellent performance; for American skill was directed toward building finer sailing vessels rather than steamers. By contrast, British vessels were stubby and sluggish. According to one critic, the appropriately named *Globe* "would beat her head three times against a billow and then fall off and sail around it."

The first "Line" of regular sailing ships between England and the United States was the "Black Ball Line," opened by New Yorkers in 1818. Its vessels were swift, crossing in a little over half the average time for British ships, but differed from some other packet fleets in one respect only—the Black Ball packets had fixed dates for sailing. That was an innovation that did much to establish American supremacy on the ocean.

It was during the last fifteen years preceding the Civil War, when the old order was gallantly accepting the challenge of the new, that the world's finest sailing vessels were built—the American "Clippers," thoroughbred racers of the seas. The clipper was the product of slow evolution, rather than invention, which by 1845 produced the famous *Rainbow*, followed by scores of keen rivals for the supremacy of the waves. The clipper has been described as "Clean, long, smooth as a smelt. Sharp arching head. Thin, hollow bow; convex sides; light, round and graceful stern."

*American  
supremacy*

*"Black Ball  
Line"*

*Clipper  
ships*



. . . Above board, she towers up with strong, fibrous arms spreading a cloud of canvas to the gale." Truly magnificent were many of the stately craft launched during these years. In 1800 a vessel of 300 tons was considered large; many of the clippers displaced 2000 tons or more. The *Great Republic* (1853), largest clipper ever built, registered 4555 tons. The mainmast of the *Challenge* measured 210½ feet in length, its tip towering 200 feet from the water, and carried a 160-foot spread of sail.

Famous  
clippers

"Baltimore Clippers" were at one time in great favor, but New York and Boston built many more famous ones. Donald McKay of Boston was the master builder of them all. It was his *Sovereign of the Seas* which in 1853 sped from the Sandwich Islands to New York in eighty-two days, breaking all existing records for speed and distance. In one day's sailing she made 421 nautical miles, only fifteen less than the all-time record for sailing vessels. Instrumental in the successful exploit was Lieutenant Matthew F. Maury of Virginia, Superintendent of the Department of Charts and Instruments at Washington, who had been charting the ocean currents and prevailing trade winds.<sup>1</sup> Immediately after arriving in New York, the *Sovereign* went zooming across the Atlantic, establishing a record from New York to Liverpool (thirteen days and twenty-three hours from dock to dock) never equaled by a sailing vessel. Devised for the Chinese-American tea trade, the clippers established many records from New York and Boston to San Francisco (California then supplied little for a return cargo), then to China and back again. The *Sea Witch* in 1849 made an all-time record for sailing vessels of seventy-four days fourteen hours from Canton to New York. The *Flying Cloud* in 1851 skimmed over the 15,000 miles from New York to San Francisco in eighty-nine days twenty-one hours. Three years later the *Lightning* established a record for speed not exceeded by a steamboat until 1889—436 nautical miles in twenty-four hours. Proud days were those for beautiful craft which raced the British from China to New York—and always won! But the British clung to steamers, and developed them so rapidly that before 1860 they

<sup>1</sup> Prior to the use of Maury's charts, the sailing time from New York to San Francisco averaged 180 days; by 1855 it had been reduced to 133. Faster ships, it is true, accounted for a part of the difference.



DONALD MCKAY. DAGUERREOTYPE BY SOUTHWORTH AND HAWES

*From Hawes-Stokes Collection, courtesy of the Metropolitan Museum of Art*

had reestablished the supremacy of Great Britain's merchant marine.

The years that witnessed revolutionary changes in ocean transportation marked also a great increase in immigration—indeed, better transportation was one reason for the growth. More im- *Foreign immigration*

portant was the prosperity of the United States, with its many demands for cheap labor and its western land which might be more easily reached by way of the new canals and railroads. Finally, there were economic and political difficulties in Europe which at times became tragically acute.

From colonial days until after the Napoleonic Wars the volume of American immigration was small, and most of those who came were of English origin. In 1825 the total admitted from all countries reached 10,000. The average for the next five years was twice as many. Between 1830 and 1840 half a million arrived from Europe, a volume that was tripled in the next decade. The last half of the 'forties saw more people enter the United States than during all preceding years after 1820. The chief explanation for this phenomenal increase is to be found in the potato famines of Ireland, 1845-1847. In a land where over 300,000 tenants had less than five acres each, the failure of the food crop meant starvation for scores of thousands. In seven years' time 1,650,000 people emigrated, and in one decade alone the population of Ireland was reduced twenty per cent. During the 'thirties 780,000 came to the United States and in the next decade, 914,000.

#### *The Irish*

The rush for ships to America was extreme. Many unfortunates could not make adequate provision for the westward passage (which averaged a month for immigrant ships), and the mortality at sea was heavy. Arriving at New York or Boston, bewildered and often penniless, many fell prey to "slick" scoundrels; for neither federal nor state governments attempted to safeguard the immigrant. But the Irish never asked anyone to shed tears in their behalf, and were soon able to take care of themselves and to send money home to bring others to the land of freedom. Not having the means for setting up as farmers, and preferring the industrial cities of the East, the adaptable Irishmen took such rough employment as they could find, while many of their women-folk entered domestic service. In a short time the sons of Erin were holding their own in fire-company fights, elections, and such other activities as were appropriate for the use of "Irish confetti."

#### *Germans*

Second only to the Irish in numbers were the Germans, who came in increasing numbers in consequence of conditions pro-

duced by the industrial revolution which was sweeping Germany. A special stimulus was the unsuccessful revolutions of 1830 and 1848. Carl Schurz was one of the brilliant young men who sought political freedom by self-imposed exile. A majority of the German immigrants took up land west of the mountains, chiefly in Wisconsin, Texas, and Missouri. The migration to Wisconsin was so heavy as to encourage the hope that it might become a new Germany—a dream that failed to materialize, although so many settled along Lake Michigan that homesick Germans for many years thereafter might assuage their longings by a visit to Milwaukee. Other cities which acquired a notable German population were St. Louis, Cincinnati, Cleveland, and Baltimore.

The Germans brought habits of industriousness, a love for music, and a disposition to brew and drink what they pleased—to the great annoyance of temperance crusaders. They were not so keenly interested in politics as the Irish; but in the North Central states, where settlers of Southern and New England origin were fairly evenly balanced, their potential influence was great. At first they were commonly Democrats, but opposition to slavery extension, interest in homestead legislation, and troubles over foreign-language schools led many of them to desert the party.

The vanguard of the Scandinavian migration, which was destined to supply so large a share of the population of Minnesota, Wisconsin, the Dakotas, and Iowa, began in 1825 when the sloop *Restaurationen* brought fifty-three Norwegians who settled in western New York. However, the number coming before the Civil War remained small. During the decade ending in 1850, the combined immigration of all the Scandinavian countries was only 14,442.<sup>1</sup> In the next decade the total was 24,680, a number that was surpassed by the contributions of Switzerland alone.

Virtually all immigrants before 1850 were industrious and liberty-loving people from northern Europe, and were readily assimilable. But the coming of two million immigrants in twenty years—constituting nearly one-tenth of the total American population in 1850—could not but produce serious social and economic

<sup>1</sup> In descending order of immigration by nationality for the decade were the Irish (780,719), German (434,626), French (77,262), Canadians (41,723), and English (32,092). In the next decade the order was German, Irish, English, French, and Canadian.

Scandi-  
navians

Anti-foreign  
feeling

problems, particularly for the Northeast where at least four-fifths of the Irish and many of the Germans congregated. Boston, as the center of philanthropic activity, became the goal of many Irishmen. In 1850 the native Irish of that city numbered over half as many as those native of Massachusetts. In that same year New York City reported forty-five per cent of its population foreign-born; Philadelphia, twenty-five. Already the "melting pot" was failing in New England. In 1834 a mob burned the Ursuline convent near Boston, and in 1837 several military companies were necessary to break up a mob in the city after a fight with the Irish. In New York and Philadelphia riots were frequent, and resulted in the loss of several lives. Practically all the Irish and many of the Germans were Roman Catholics. Their devotion to their church, and their demand for a portion of the public funds for parochial schools, roused native Americans to violence against "Irish papists." Distrust because of religious differences was heightened by the political activities of the Irish who showed themselves expert in party management and clung together for practical advantages.

*Nativist  
movement*

By the middle of the 'forties opposition to immigrants resulted in the Native American movement, which was consolidated in 1850 in the order of the "Star-Spangled Banner." Shortly thereafter it became the "Know-Nothing" Party. A more important cause for antagonism was economic in nature. Many of the immigrants were paupers who were helped by their governments to America, only to become public charges. Even more provocative was the competition presented by laborers accustomed to a lower standard of living. It is a significant fact that opposition to immigrants throughout the century came chiefly from laborers—the class which normally would be expected to have most sympathy for the unprivileged of the world.

*Slow growth  
of South*

In the history of immigration to the United States before the Civil War a sectional significance appears. Relatively few settled in the South. In 1860 only one-eighth of the total foreign-born population of the United States lived south of the Mason and Dixon Line. Climate was a factor; so also was the existence of slave-manned plantations, in competition with which small farmers in such areas were at a disadvantage. Furthermore, the

South had few cities and relatively slight industrial development, although white laborers, especially Irish, were in great demand for heavy work. More important was the fact that the steamship lines ran to northern ports, and railroads ran westward rather than southward. The Southern population remained far more homogeneous than that of the North, but fell steadily behind in growth. To many a slaveholder the prospect was thoroughly disquieting.

This same period witnessed a great industrial development. Population growth, improved means of transportation, revolutionary inventions and methods, and an abundant supply of cheap immigrant labor—all were factors in extending America's industrial empire. New England was still the leader in manufacturing, but the areas of Philadelphia, Pittsburgh, Buffalo, Cincinnati, Chicago, and St. Louis were challenging her supremacy.

*Industrial  
development*

As we have seen, one result of the War of 1812 was firmly to establish the factory system in the United States. Thereafter, encouraged by protective tariffs, America became independent of foreign manufacturers. New England developed and dominated the textile industry.<sup>1</sup> Because of the great difficulty with which cotton cloth was made in the home, unless combined with wool, or the fibers of flax, there was a great opening for the production of relatively cheap machine-made cotton fabrics which might displace linen. In 1840 this section had two-thirds of the 1200 cotton factories in the United States; ten years later Massachusetts alone produced nearly one-third of the national total. Though enjoying greater tariff protection than cotton textiles, the woolen industry developed much more slowly; for an insufficient supply of skilled workmen together with keen British competition were long-standing obstacles. The invention in 1840 of a power loom for fancy woolens greatly stimulated the demand for American products, but English worsteds found little competition as late as the Civil War. Pennsylvania, New York, and Ohio (where sheep were most

*Textiles*

<sup>1</sup> New England led also in the production of shoes. Shoemakers were commonly journeymen, or else farmers and sailors who turned the long winters to profit, who worked under favorable conditions of domestic production until the panic of 1837. Not until 1850 was machinery used successfully in this industry, but the proud cordwainers of Lynn had entered upon evil days before 1840. Soon came German and French artisans to intensify the bitter competition produced by shoe factories, and before the Civil War nearly all journeymen were driven into factories.

numerous) were rivals of New England, but in 1850 the latter produced over three-fifths of the country's total.

*Iron industry* Because most mills were operated by water power, incentives for the development of coal and iron industries lagged, and not until 1825 was any appreciable improvement made over colonial methods of iron production. Pennsylvania was easily the leading producer. The eastern portion of the state possessed an abundance of iron and anthracite coal, but not until the 'thirties were the two combined for successful smelting. Charcoal previously had been used because coal suitable for coke was not found east of the Appalachians. Although coke was used with success in 1837, Pittsburgh, in the center of a bituminous area, used charcoal instead before 1840. Coke was not used extensively until after the Civil War.

The development of iron production resulted from an increased demand rather than new processes. Machinery for textile mills, new agricultural implements like the reaper and improved plows, stoves that were rapidly superseding the fireplace for heating and cooking, and rolling stock for railroads—all these greatly stimulated the iron industry after 1830. But in 1850, when the United States produced 564,000 tons of pig iron, Great Britain's output was over five times as great. Americans imported more iron and steel (relatively little of the latter being produced in the United States before 1870) than their own furnaces yielded. Although American plants were backward, they turned out some enormous engine parts. Cast in one piece (about 1850) was an engine bedplate for the steamship *Arctic*, weighing sixty tons. Soon thereafter cylinders nine by fourteen feet in size and fly-wheels twenty-five feet in diameter and weighing thirty-two tons were put into use.

*Mechanical inventions* Highly important as a stimulus for agricultural and industrial expansion were thousands of mechanical inventions, several of which were revolutionary. In 1833 the head of the Patent Office resigned, believing that the peak of inventions had been passed. Three years later 600 patents were granted in a twelvemonth, and the number increased rapidly thereafter. A few, in addition to those previously mentioned, deserve special attention. S. F. B. Morse, a versatile pedagogue who combined various gifts from

portrait painting to medicine, and ate, slept, and carried on experimentations in his classroom at the University of the City of New York, produced a practical telegraph in 1836. Securing the assistance of Amos Kendall, ex-member of Jackson's Kitchen Cabinet, an appropriation of \$30,000 was secured from Congress, and in 1844 a line was constructed between Baltimore and Washington. Success was immediate, and by 1850 all parts of the country, except the Far West, were served by the time-saving device.

In 1846 the rotary printing press appeared, and in the same year Elias Howe patented a sewing machine on which he had labored for several years. Howe had several rivals and engaged in much litigation, but unlike most inventors reaped a rich harvest from his invention. Even before the Civil War his royalties often reached \$4000 per week. In 1839 Charles Goodyear, a Connecticut Yankee, successfully terminated years of experimentation by producing vulcanized rubber—"elastic metal," Webster called it. Three years before the Civil War, George M. Pullman built the first "palace" sleeping car, thus making travel by rail more dream-like than Emerson first found it.

Noteworthy for other reasons was the invention of the revolver in 1836 by Samuel Colt after several years of tramping the country as a "Professor of Chemistry." The American people recognized the virtues of the new shooting iron much earlier than they did most inventions. So popular did it prove that, at the beginning of the Mexican War, General Taylor demanded Colt's Automatics as standard equipment. It played a stirring role in the conquest of the Great Plains.

The effect of the industrial revolution was to change the production by hand of goods in the home to their production by machine in the factory, thus resulting in an enormous increase in output and a similar decrease in cost. But while society benefited from the change—so that luxuries of one generation became necessities of the next—most of the profits of production went not to the laborer who operated the machine but to its owner. Consequently the development of the factory system was attended by a rise of a definite laboring class, and with it the growth of serious labor problems. Until the end of the first quarter of the nineteenth century the number of permanent laborers remained rela-

*Industrial  
Revolution*



tively small. The old domestic system offered opportunities for the apprentice to rise in his trade; moreover, the abundance of cheap frontier land relieved the pressure sufficiently to make the East jealous of conditions which drew its population westward. But with the building of highways and canals, linking up considerable portions of the country and making relatively easy the exchange of goods, mechanics no longer labored merely to supply the needs of their community. Men with capital began organizing production on a wider basis and buying in the lowest market.

*Lowell mills* The bad social effects of industrialization were slow in coming. Rather, the beginnings of the revolution in textiles offered farm girls and young men a welcome opportunity for employment at wages which seemed generous. Girls actually sought employment in the mills of Lowell, Massachusetts, for the social as well as the economic advantages thus afforded. For years Lowell was America's show place in the textile industry. Here girls of a high type enjoyed healthful surroundings, clubbed together to buy pianos, and even published a literary weekly. In 1841 they had nearly \$100,000 deposited in the Lowell Savings Bank. Acquainted with the deplorable conditions accompanying the industrial revolution in England, European visitors were amazed at what they saw. The critical Charles Dickens was moved to write:

I solemnly declare, that from all the crowd I saw in the different factories that day, I can not recall or separate one young face that gave me a painful impression, not one young girl whom . . . I would have removed from those works if I had had the power.

Harriet Martineau was highly impressed with the "neat and sufficiently spacious" houses of factory workers at Waltham, Massachusetts, some of which had "piazzas, and green venetian blinds." Unfortunately such conditions were far from typical of America, and after 1850 no longer obtained even at Lowell. Cheap immigrant labor was the principal cause of the change.

*Changing conditions* By 1830 the factory system was well established; a distinct laboring class had appeared, and with it a definite cleavage between employers and employees. Thereafter, expanding business, keener competition, lost contacts between the rising capitalist and his workers, and cheaper immigrant labor were factors in a situation

which progressively worked serious hardships on the skilled laborer as well as the unskilled. Seeking low production costs, women and children were employed in large numbers in the textile mills, wages were reduced and hours extended. From "dark to dark" was the general rule. Many early laborers came from the farm and therefore thought little of it at first. But with the introduction of gas lighting, hours were extended in the winter months so that the day was usually an average of twelve hours, sometimes even fifteen. Long hours indoors proved quite different from long hours outdoors.

Other conditions of labor were degrading in character. The monotonous nature of the work in ill-lighted and insanitary factories, permitting no time for recreation, and often at pitifully low wages, was a serious menace to the well-being of a growing proportion of the population. It has been estimated that women constituted in 1831 nearly three-fifths of the cotton mill operatives north of Virginia; children under twelve years, seven per cent. The influx of poor immigrants, eager for work at any wage, seriously aggravated the whole problem. Slum conditions inevitably resulted in the larger cities. In 1850 an enumeration made by the New York Chief of Police showed 18,456 people living in 8141 cellars. It was not without justification that Southern defenders of slavery denounced economic conditions for many of the poor of great cities as being worse than those under which slaves lived. Slaves enjoyed at least the fresh air of the out-of-doors.

In order to remedy such conditions among this great new landless proletariat, handicraftsmen, rather than factory operatives, organized and turned to politics—a procedure made easier by the concentration of workers in factories. Temporary labor unions of urban craftsmen had been formed in the latter part of the eighteenth century, and in 1805 the shoemakers of Philadelphia staged a real "strike" and threw potatoes through the windows of an employer. But these were local trade unions in which membership was confined to the workers in a single craft of one city. The real labor movement began in 1827 when the Mechanics Union of Trade Associations was formed in Philadelphia. The next year it became the Workingmen's party, with a platform demanding various economic and political reforms, including shorter hours

*Labor  
organizes*

and better working conditions, mechanic's lien laws, free schools, and the abolition of imprisonment for debt.

*Turns to  
politics*

This political movement was a definite phase of Jacksonian Democracy. By 1825 every Northern state except Rhode Island had established manhood suffrage. Possessing the ballot, labor hoped to accomplish through politics that which popular prejudice in favor of capitalists, aided by unfriendly court decisions, made impossible. But labor parties in America have always faced formidable obstacles. Then, as now, Americans prized individual freedom; moreover, in a country where land and opportunity were abundant, everyone might rise to the highest attainable social and economic station. Self-made men were living examples of a situation which prevented workmen from becoming class conscious. Furthermore, there was no object in gaining control of Congress in a day when social legislation was left to the states. The labor party movement, therefore, was directed toward the gaining of influence in state legislatures. It spread into several states (at least fifteen) where efforts were made to establish working relations with the Democratic party. At least fifty newspapers were founded to spread the cause of labor.

*Strikes*

During the prosperous years of the early 'thirties, labor in a dozen cities turned its attention from politics to the further organization of trade unions, and to strikes. Finally, in 1834, trade unions of the various cities formed a loose federation, called the "National Trade Union." During the four years preceding the crash of 1837 over one hundred and fifty strikes were called for the redress of various grievances, including shorter hours, higher wages, and the "closed shop." Some successes were won, then came the Panic of 1837. Wages were reduced as much as fifty per cent for those who were lucky enough to retain employment, crop failures temporarily increased living costs, and labor organizations were disrupted.

*Seeking  
Utopia*

So ended the first organized labor movement. Jacksonian Democracy might give to the laborer an improved social and political status, but it could not guarantee economic stability in a depression. Thereafter, for years, the worker listened to idealists of the age who offered utopian socialism in the form of communism, or settlements where agriculture and industry might be

united and where society might be remade along lines of equity and justice. Individual competition—in America of all places!—should give way to collectivism.

Inasmuch as Europe had experienced the industrial revolution earlier than America, she likewise first produced a crop of earnest theorists who had evolved schemes for the social and economic salvation of the poor. So it was that the ideas of Saint-Simon, Fourier, and Robert Owen were accepted with enthusiasm. After encouraging experiments at New Lanark, Scotland, Owen purchased 20,000 acres of land in Indiana for \$150,000 in order to have sufficient scope for his hopeful experiment. Congress gave him a hearing so that he might explain his project, and in 1825 he colonized 9000 settlers who invested nothing but themselves. Factions arose immediately, and in three years the venture collapsed with a tremendous loss to Owen. However, in 1845 he was back in America to call a "World Convention to Emancipate the Human Race from Ignorance, Poverty, Division, Sin, and Misery."

*Communal  
experiment  
New  
Harmony*

Brook Farm, in Massachusetts, gained special publicity because it had the blessing of the Transcendentalists, but it lasted only three years after becoming one of forty or more Fourierist colonies in the Northern states. Scores of other schemes were tried, each with its special panacea for earthly bliss—for example the Oneida Community, which found the sinless life in sexual promiscuity, and anticipated Mary Baker Glover Patterson Eddy in the practice of "faith-healing"—but among communal groups of the period only the Mormons and the Inspirationists achieved notable and lasting success. The Inspirationists (founded in Germany in 1714) first settled near Buffalo in the early 'forties, then a dozen years later sought isolation in Iowa County, Iowa. There the "Amana Society" prospered on its 26,000 acres of fertile soil; but communism was abandoned in 1932.

*Brook Farm*

The story of labor before the Civil War bulks large with discouraging failures; nevertheless some gains were made. Shorter hours were becoming common in some industries. In 1840 President Van Buren established the ten-hour day in all government works. The first state to fix a statutory limitation on the working day was New Hampshire in 1847. Other states fell into line, so that the ten-hour day was general by the Civil War. Striking ex-

*Labor gain*

ceptions remained, however, especially in New England. In the steel industry the twelve-hour day was finally abandoned after 1920. In 1842 the Massachusetts Supreme Court upheld the legality of a trade union and of the strike for a closed shop. During the 'fifties improved economic conditions enabled labor to make a new start; but its greatest battles still lay in the future.

## Chapter Thirty-Three

### INTELLECTUAL AND HUMANITARIAN AWAKENING

**D**URING the second quarter of the nineteenth century intellectual activity was as outstanding as that which characterized the material realm, and each was a stimulus to the other. The restless expansion of the age, with the excitement of new inventions; an accumulation of wealth to create new demands; the establishment of closer contacts with Europe through travel and renewed acquaintance with its culture; and a great increase in social problems resulting from the use of the factory system and immigration—all were factors in stimulating an intellectual renaissance.

Symptomatic of the times was a radical change in newspapers which greatly stimulated the reading habit. In 1833 the *New York Sun* was established as a penny daily. Two years later James Gordon Bennett, one of the boldest and coarsest of men in American journalism, inaugurated the *Herald* for publishing the news independent of politics. His scandal-filled sheet was offset by Horace Greeley's *New York Tribune*, the *Philadelphia Ledger*, and the *Baltimore Sun*—all penny dailies. It was the *Ledger* (1846) which first installed the Hoe cylinder rotary press, thereby revolutionizing the speed of printing. Two years earlier the first telegraph line (Baltimore to Washington) had introduced a new era in news collection. Still, in spite of the changing character of the press, editors usually owned their papers. Greeley, with an enthusiasm for reform that sometimes verged on the fanatical, made his *Tribune* an outstanding example of personal journalism of the sort which enabled a few editors to wield enormous moral influence.

Far more important as a medium for literary expression were

## Magazines

many hundreds of magazines, most of which were born but to die. The average age was about two years. In 1825 there were probably 100 of them; in 1850 six times as many. Among the longer lived and most influential, three or four stand out prominently. *Graham's Magazine* (Philadelphia, 1826-1858), to which nearly all prominent American men of letters contributed at some time, enjoyed great popularity during most of its career. It was the first to make liberal payments to writers, and thus performed a real service to American literature. Its failure resulted in part from its adverse criticism of *Uncle Tom's Cabin* which was making Philadelphia "Topsy-turvy." The *Knickerbocker Magazine* (New York, 1833-1865) was a worthy contender for high honors. It claimed many prominent contributors and reached a wide audience with its lively articles of nearly every sort and kind, including English works which were pirated—a common practice among journalists of the day in the absence of international copyright agreements. After 1850 *Harper's New Monthly Magazine*, with its generous illustrations, was a formidable rival for popular favor, and quickly achieved great success.

*The Southern Literary Messenger* (Richmond, 1834-1864) was much the most important monthly of the South. Prominent men in law and science as well as letters were contributors, and Poe was at one time editor. But his salary of \$15 a week is suggestive of the perennial struggle which it waged with financial difficulties. Progressively the *Messenger* became a "repository" for slavery apologists. Against well-nigh insurmountable difficulties it persevered in spite of war until June 1864. Throughout the period scholarly New England found an outlet in the dignified *North American Review*, and after 1857 in the *Atlantic Monthly*. Pre-eminent among publications for ladies was *Godey's Lady's Book*. What with its high level of sentimental stories, chaste verse, and the latest fashions from Paris depicting charming ladies and foppish, wasp-waisted men, no other monthly could remotely touch *Godey's* in circulation, nor in its capacity to bring "unalloyed pleasure to the female mind." *Godey's* maintained an impeccable character, became an institution, and made its publisher a millionaire.

Presiding editorially for forty years (1837-1877) over the

destinies of *Godey's* was a great woman of her generation—Mrs. Sarah Josepha Hale. She waged a successful seventeen-year campaign for the nationalization of Thanksgiving,<sup>1</sup> was instrumental in the raising of a large sum of money for the completion of Bunker Hill Monument, gave worth-while assistance to the Mount Vernon Ladies Association in their efforts to preserve Washington's home, encouraged the establishment of nurseries and kindergartens, and wrote many poems, including "Mary Had a Little Lamb." A strong advocate of health hygiene, she contended that women would be happier if strong and advocated physical exercise, a weekly bath, and the elimination of tight corsets and pie for breakfast as means to this end. Her most important work, however, was an unending campaign in behalf of education for women (not "females"—she abhorred the word); for only thus, she believed, could very much be accomplished toward lifting her sex to a position of equal prestige with men.

*Sarah  
Josepha Hale*

The increased output of the press is indicative of widening horizons in literacy. Actually, advancement in education represents the greatest social achievement during the period. By the 'thirties public primary school systems existed in most of the Northern states, although outside New England they were commonly "free" only to the children of white parents who had no property. Officially, such children were called "charity" or "pauper pupils." Because a stigma was attached to free schools, parents of means were inclined to patronize private schools.

*Primary  
schools*

Outside the large cities there were few public secondary schools, although a goodly number of academies and private boarding schools met the needs of a portion of the people, and provided the necessary connection between common schools and colleges. The number of academies for the entire country increased to probably 6000 by 1850, and included a large number opened only to girls. Colleges, however, were still almost universally closed to "females."

*Secondary  
schools*

<sup>1</sup> Washington was the first President to proclaim Thanksgiving (for Thursday, November 26, 1789). Madison (1815) asked the nation to give thanks for peace. Observing the precedent established by Washington, Lincoln inaugurated the practice of an annual proclamation, designating the fourth Thursday in November—later the last Thursday. In the administration of Franklin D. Roosevelt the date was advanced temporarily.



*Obstacles to  
free public  
education*

The poverty of the newer states made the appearance and growth of schools extremely slow. In those states which received school lands under the Land Ordinance of 1785, beginning with Ohio, a small amount of revenue was available, but schools were woefully inadequate before the 'thirties. In Kentucky and Tennessee, where federal aid was not available, opportunity for education was so limited that popular prejudice against "book-larnin" was widespread. Everywhere, in the popular mind, the man who had mastered the "three R's" passed as an educated person. However, with the onrush of Jacksonian Democracy, and particularly through the agitation of labor, the demand for free public schools open to all regardless of financial status became irresistible. Opposition to the principle had come mainly from the propertied class, which denounced the idea of being taxed to support schools to which they did not send their children, and from Catholics generally because they preferred to send their children to parochial schools.

But the enfranchisement of the workingmen and the coming of immigrants presented the problem in a new light. Universal suffrage based on universal ignorance appeared manifestly dangerous. Education, it was urged by reformers, would be a safeguard against radicalism. The flood of immigrants, likely to be educated if at all under Catholic influence, appeared dangerous to Protestant America.

*Henry  
Barnard*

Educational reform was fought out separately in each state. In 1827 Michigan laid the foundations for common schools. Thaddeus Stevens, famous "Radical" of the Reconstruction period following the Civil War, played a notable role in Pennsylvania's provision for free schools in the middle of the 'thirties. In Connecticut and Rhode Island, Henry Barnard did pioneering work of a high order. Trained at Yale and in Germany, he was a leader in the study and application of European ideas to the United States. He organized many libraries besides, founded the *American Journal of Education*, was at one time chancellor of the University of Wisconsin, and in other ways took an active part in educational advancement until his death in 1900.

Equally outstanding and much better known as a leader in educational reform was the patron saint of present-day teachers

colleges, Horace Mann. Lawyer and politician, he was Secretary of the Massachusetts Board of Education for a decade after its establishment in 1837. As a result of his reports the idea of local control of schools came to an end, and the Prussian system was established. New standards were set up, supervision of schools was provided, and legislation was enacted making schools free and attendance compulsory. Through his efforts the first normal school was established at Lexington in 1839 for the training of professional teachers. Previously, college students on vacation or students of theology and law had supplied most of the teachers, and from their supporters strong opposition was raised to the new plan. But the movement which was ushering in the modern school system was not to be arrested. Appropriations for schools were greatly increased, textbooks were improved, and the school year lengthened. By 1850 the principle of a tax-supported educational system from primary schools to college had won fairly general acceptance; the groundwork for the present educational system of elementary schools was well established throughout the North; and experiments were being made in free public high schools as well.

Horace  
Mann

The improvement made in texts for elementary schools calls for further emphasis. Prior to the second quarter of the nineteenth century Noah Webster's *American Speller* and Jedediah Morse's *American Geography*, both dating from the first years of the Republic, were the principal contributions by American authors. In 1830 the great need for graded "readers" was satisfied by McGuffey's *Eclectic Series*. William Holmes McGuffey was born in Pennsylvania, reared in Ohio, and taught school in Kentucky before joining the faculty of Miami University. After the presidency of two other Ohio colleges, he accepted a position on the faculty of the University of Virginia, where he rounded out a long life of public service. It was while teaching at Miami that he began the preparation of his four famous readers. Never before or since has a series of schoolbooks won such wide popularity with generation after generation of school "pupils." Sales ultimately exceeded 120,000,000 copies. Only Webster's "Blue-backed Speller" has been a close rival in the textbook field, and only the Bible has enjoyed wider publication.

William  
Holmes  
McGuffey

*Growth of colleges*

This period witnessed, likewise, an amazing growth in denominational colleges and state universities. The impulse for founding sprang from the intellectual activity of the 'thirties and 'forties, stimulated by a spirit of optimism attending the rapid expansion of the West and bolstered by a sense of security in consequence of the Dartmouth College decision (1819). Finally, churchmen were mightily concerned over the religious training of young men who, it was thought, could not be safely entrusted to the tutelage of a rival denomination. In 1928 there were still in existence 182 colleges and universities that had been founded before the Civil War.<sup>1</sup> Many more were established which had failed. In sixteen states outside New England only 104 remained of 516 that had been opened. In twelve other states the mortality was nearly as high.

*The small college*

Denominational colleges were privately endowed, dominated by the clergy, and sustained by tuition fees and contributions of the Church. The enrollment was light,<sup>2</sup> and faculties were necessarily restricted to a small number of high-minded and self-sacrificing souls. The curriculum was generally limited to languages (chiefly Greek and Latin), mathematics and philosophy, a smattering of chemistry and physical science, while pervading everything was a liberal amount of church doctrine. Strict Sabbath observance was enforced, but occasional pranks suggest that some students were hardly saints in embryo. Organized athletics were unheard of, early morning chapel permitted of late rising for no one, and the curriculum was unbending; but denominational colleges were free from political control (John Marshall's Dartmouth College decision had seen to that), and a fearless and generally scholarly faculty maintained standards of achievement which somehow distinguished college men from others as universities of today are unable to do.

<sup>1</sup> This does not include schools which became colleges after 1861.

Of the more enduring colleges the Presbyterians founded the largest number, followed in order by the Methodists, Baptists, Congregationalists, Catholics, and Episcopalians.

<sup>2</sup> Two or three hundred students was commonly considered a fairly large enrollment. During a portion of the period Harvard, Yale, and Princeton were outnumbered by the enrollment of several other colleges. Early in the 'thirties Harvard had only 236 undergraduates. The average student enrollment for all New England colleges in 1850 was 150.

Woman's day in college was only dawning. In 1833 Oberlin became the first coeducational college, and a year later it was opened to Negroes as well. In 1836 Mary Lyon, who began her career as a district schoolteacher at seventy-five cents a week with board, established Mount Holyoke, the first girls' seminary to attain college rank. The first state university to open its doors to women was Iowa in 1858. Few other schools of higher learning were opened to women until after the Civil War.

*Women in college*

Paralleling the growth of denominational colleges was the establishment of state-controlled universities in the South and West. The growing national spirit of democracy was reflected in a desire to found institutions of higher learning controlled by the people. A further impetus was given by the federal grants of land for the purpose. When Ohio was admitted to the Union (1803) she was granted 69,120 acres for higher education. The practice was continued thereafter, though the average grant preceding the Civil War was not quite so large. Florida and Wisconsin, however, each received 92,160 acres.<sup>1</sup>

*State universities*

The chartering of state universities began with Georgia (1785), followed by North Carolina four years later. A few others were created prior to the founding of the University of Virginia, which was the most famous of all that were chartered before the Civil War. This institution was peculiarly the creation of Thomas Jefferson, and represented the dreams and labor of nearly half a century. It was through his efforts that the legislature was induced to make the appropriations; he was the architect for the buildings and supervised their construction; he chose the faculty and was appointed Rector. The University was a partial fulfillment of his design for a system of public schools, including colleges, for all parts of the state, surmounted by a university in which all branches of learning should be taught. In 1825, a year before his death, the university opened, and was immediately filled with 116 students ready to test the liberality which its founder had provided; for students were permitted to enter without entrance examinations, elect any courses for which they were prepared in

*University of Virginia*

<sup>1</sup> The culmination was reached in 1862 (Morrill Act) when provision was made for giving each state an enormous grant (30,000 acres for each senator and representative) in aid of colleges for agriculture and mechanic arts.

one or more of the eight "schools" (such as languages or medicine), and enjoy optional attendance at chapel with entire freedom from the clergy. Jefferson made no provision for a chair of theology, and so brought down upon his head the wrath of churchmen. Students were permitted self-government in minor matters (the honor system—established at the College of William and Mary before the Revolution—was successfully inaugurated about sixteen years later), and soon showed such unruliness in a rumpus which included throwing bricks at a professor as to greatly sadden their aged benefactor. After a long season of difficulties, chiefly financial and religious, the University settled down to a place of leadership, especially in law. By 1860 nearly 1000 Southern students with their horses and hounds were in attendance.

*Western  
universities*

Partly as the result of Virginia's experiment, the founding of universities, particularly in the West, received a new impulse. Michigan started a school at Detroit in 1817 which was christened "The Catholepistemiad or University of Michigania." Following lean years, in which its impressive name was lost, and after a short lapse as a corporation, it blossomed into a university under a new charter in 1837 and became the most successful of Western universities before the Civil War. The oldest Northern state university in continuous operation, however, is Indiana. It was first chartered as a college in 1820, then rechartered as a university eighteen years later. Others followed in rapid succession.<sup>1</sup> Before 1860, state universities were established in twenty states, eleven of which were south of the Mason and Dixon Line.

*Contrasting  
ideals in  
education*

Most colleges of the North were bulwarks of good Jacksonian Democracy in education; that is, equal and inexpensive opportunities for all, under clerical direction lest intellectual freedom invite dangerous heresies. The contrasting theory was that of Jefferson who labored half his lifetime on the proposition that those endowed by nature "with genius and virtue" should be given a liberal education "without regard to wealth, birth or other accidental" considerations. Jefferson reasoned that if the human race was to rise above a dead level of mediocrity it would necessar-

<sup>1</sup> Other Northern state universities were Iowa (1847), Wisconsin (1848), and Minnesota (1851).

In the South for the same period were Kentucky (1837), Missouri (1839), Mississippi (1844), and Louisiana (1853).

ily be in consequence of the contributions of an intellectual aristocracy; and such a class he proposed to encourage by providing the most favorable opportunities in surroundings free from political or sectarian control. Outside the University of Virginia, which represented the limit of his achievements, it was at Harvard that the greatest contributions to this ideal were being made. There certain young members of the faculty—including George Bancroft the historian, Edward Everett, later Secretary of State, and George Ticknor—who had studied in Germany labored with the inspiration of their European experience to transform their college into a great university like those of Germany. Though their aims were too high for early attainment, they contributed a mighty impulse toward making Harvard a peer of the world's greatest universities, as well as a refuge for academic freedom. They were partly responsible, too, for the great interest in *belles lettres* which spread among intellectuals.

The great day for science in academic shades was still in the future, though creditable beginnings were in evidence. The first *Engineering* school of engineering—other than the Military Academy at West Point, which turned out the best engineers before the Civil War—was the Rensselaer Polytechnic Institute, founded in 1824. Yale (1846) and Harvard (1847) established engineering schools; elsewhere a department of engineering was hardly to be found.

Increased attention was being given also to the training of doctors of medicine. Before the end of the Revolutionary War medical schools had been founded at the universities of Pennsylvania in 1765, Columbia in 1767, and Harvard in 1783. West of the mountains Transylvania was first (1799), and by 1830 enjoyed an excellent reputation. But in an age when most doctors still entered practice through the route of the apprentice, it is apparent that medical schools were not keeping abreast of the times.

Medical school graduates it was, however, who discovered independently how to use anaesthetics successfully, thus making possible a revolution in surgery through the alleviation of human suffering. In the early 'forties laughing gas (nitrous oxide) was being inhaled by sporting young men who enjoyed the exhilarating effects thus induced. In an isolated village in Georgia,

*Discovery of  
anaesthesia*

Dr. Crawford W. Long administered sulphuric ether instead, observing that bruises sustained by his young friends were unattended by pain. A few months later (1842) he successfully used ether for a minor operation, repeating the performance several times during ensuing months. Before Dr. Long published his discovery two New England dentists, W. G. T. Morton of Boston—acting on advice of Charles T. Jackson, a chemist in the Harvard Medical School—and Horace Wells of Hartford, had made similar experiments. Then in October 1846 a physician of the Massachusetts General Hospital used the anaesthetic with Morton in attendance. The term “anaesthesia” was suggested by Dr. Oliver W. Holmes, who preferred that posterity remember him for discovering how to prevent puerperal fever rather than for his literary activities.

Great men of  
science

In the field of natural and physical science several men were making notable contributions. At Princeton, Joseph Henry, son of a Scottish laborer, conducted experiments which led to his discovery of magneto-electricity. Through his activity as a physicist he became so popular that, when the Smithsonian Institution (made possible by the bequest of half a million dollars by an Englishman, James Smithson, “for the increase and diffusion of knowledge among men”) was chartered in 1846, he was made its first director. Much of the great service and success of the institution in the realm of natural science resulted from his capable administration. At Yale, Benjamin Silliman did eminent work in chemistry and geology. For twenty years he edited the *American Journal of Science*, which he founded in 1818, as a medium for the publication of knowledge in all branches of science. At Harvard, Asa Gray was making contributions of international importance in botany. There too, in 1843, an Astronomical Observatory was founded which shortly afterwards possessed the world’s largest refracting telescope.

In 1846 Louis Agassiz, a French Swiss, came to America as a field for his researches in zoology and geology. Soon thereafter he was secured to occupy a chair in those branches at Harvard. There until his death a quarter-century later he stimulated students as few teachers are able to do. Great naturalist that he was, it is significant that he never accepted Darwin’s theory of evolution. Still another picturesque figure of the age was J. J. Audubon, a

pioneer in ornithology. Born in San Domingo of French parents, he received the education of an artist in France, then came to America in 1804, living the life of a country gentleman near Philadelphia, where he hunted for sport as well as to study birds. Three years later he went to Kentucky, where he failed in business but continued his study and painting of birds. Here he was not above drawing fanciful creatures which befuddled later zoologists. After several years' residence in New Orleans he went to England in order to secure the publication of his paintings. While in Scotland he started writing the text of his *Birds of America* which made him famous. After a few years he returned to America and with the cooperation of John Bachman of Charleston wrote *Quadrupeds of America*.

While achievements in science and educational reform were laying the foundations for a rich future, popular adult education was doing even more for the ante-bellum generation. The contribution made by newspapers and magazines has been mentioned. Free public libraries were being widely established, and mechanics' institutes provided vocational courses in the larger towns and cities. In addition there was the lyceum, which originated in New England in 1826. Eight years later no less than 3000 of them had been established. The movement became nation-wide in its scope, but it was peculiarly influential in New England where hardly any sizable village was without its lyceum. The main function of the lyceum was to provide lecture courses, and upon its circuits appeared many of the ablest men of the age, including Benjamin Silliman, Louis Agassiz, Ralph Waldo Emerson, and Edward Everett. Before the war the lyceum had for the most part disappeared, but it left a train of chautauquas, literary societies, and some permanent foundations such as the Lowell Institute of Boston and the Cooper Union of New York.

*Adult  
education*

During these same years came also the first splendid flowering of American literature. In no other period of American history have so many writers made contributions which have lasted so long.<sup>1</sup> After the early years of conquering the wilderness and

*Literary  
renaissance*

<sup>1</sup> It was a period, too, in which tearful verse and sentimental prose by the carload found eager readers. Narrative essays and sketches hit a high-water mark in 1850 with the *Reveries of a Bachelor* by "Ik Marvel." It became the best seller, with the possible exception of *Uncle Tom's Cabin*, and as late as 1931 was among the de luxe publications of the year.



Irving

launching an enduring government, there was wealth and leisure for some to enjoy the fruits of victory and to idealize the past. In 1830 New York was still the literary center of the New World, and here Washington Irving, recognized as the leading man of letters in America, returned in 1832 after seventeen years spent abroad. In 1809 he had published his *Knickerbocker's History of New York* as a comic corrective for the pomposity which was creeping into American accounts of national affairs. Nine years later he produced the *Sketch Book*, which was to enjoy the most enduring popularity of all his writing. Thereafter with unfailing charm he ranged over Spanish and American history and did much to acquaint each continent with the life of the other. His last years were spent in the genial role of host and sage of "Sunnyside" on the Hudson, and in the writing of a *Life of Washington*.

Bryant

After thirty years spent in western Massachusetts, William Cullen Bryant achieved renown in New York as editor for half a century of the *Evening Post*. As a poet he bloomed early, and his fame rests upon a few poems of his young manhood. *Thanatopsis*, the first great poem produced in America, was written when he was eighteen. From the time of its publication in 1817 he was recognized as the first notable poet to appear in America.

Cooper

In 1821 James Fenimore Cooper, a third member of the "Knickerbocker School," published his first successful novel, *The Spy* (also the first American historical novel), and was famous thereafter. His father was a man of substance, and young Cooper grew up like a country lord in the wilderness of New York. After being dismissed from Yale for insubordination, he took a fling at the navy, then resigned to marry. Almost by chance he began writing. In 1823 he introduced his famous *Leather-Stocking Tales* with the *Pioneers*, followed in rapid succession by many other stirring tales of mighty frontiersmen and heroic Indians. In the 'thirties he launched upon a crusade of reform in such prolific criticism of men, measures, and institutions—engaging also in notorious lawsuits—as to make himself thoroughly unpopular.

Melville,  
Whitman

In 1851, long after the literary center had shifted to Boston, a New Yorker, Herman Melville, struck a distinctive American note and won enduring fame with *Moby Dick*, one of the greatest tales of the sea that was ever penned. Four years later Walt Whitman,

of humble Dutch-English descent, after twenty-five years of printing, schoolteaching, and drifting, published the first version of his *Leaves of Grass*. Ridiculed by the public but encouraged by Emerson, he published an enlarged version the next year. With a passion for his native soil, Whitman had caught the note which common Americans could understand, and in his poems portraying life as he found it—sometimes beautiful, often seamy but, withal, virile and democratic—he set a pattern for present-day sensation-seekers to copy.

In the ante-bellum South outstanding men of letters were few, but it was the wayward and unhappy Edgar Allan Poe who wrote *Poe* the finest poetry of his day, perhaps the most beautiful ever written by an American. An orphan at the age of two, he became the foster child of a wealthy merchant of Richmond, Virginia. After

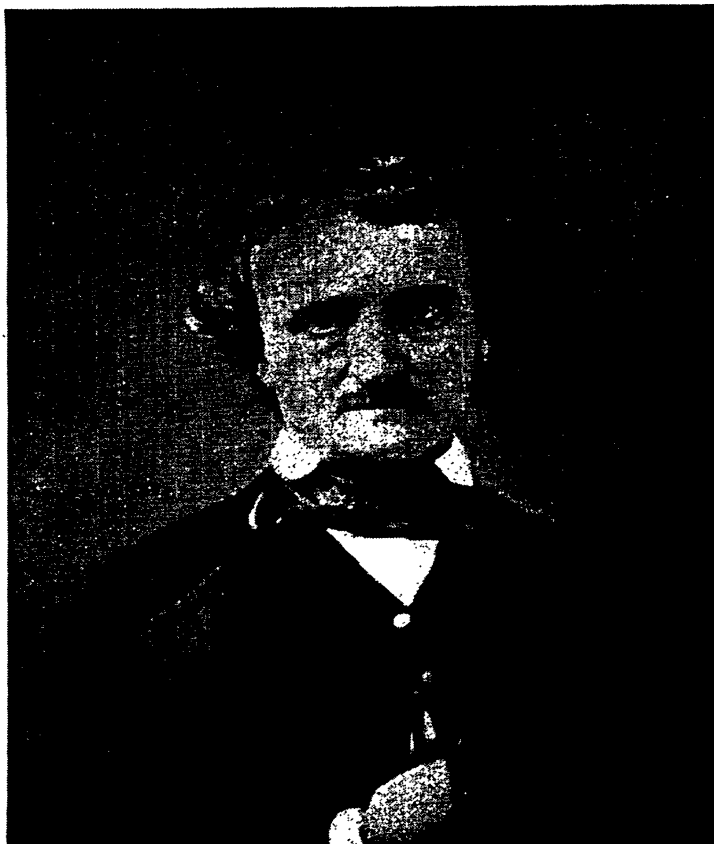


WASHINGTON IRVING

FROM SKETCH FROM LIFE BY F. O. C. DARLEY

*Courtesy New York Public Library*

excellent preparation he entered the University of Virginia in 1826 at the age of seventeen. A brilliant career as a student was cut short; for unfortunately he attempted to supply himself with



EDGAR ALLAN POE

*Photo by Brown Brothers*

funds at cards, only to find himself \$2500 in debt at the end of his first and last term. Then followed service in the army under an assumed name, marriage, the publication of poems, editorship of the *Southern Literary Messenger* and other magazines, the death of his wife, drink and attempted suicide, and death at forty. Poor health, pitiable poverty, and tragedy help explain his writing. A dreamer and creature of impulse, he succeeded as no other

American in producing beauty of rhythm, enhanced by the imagery of unreality which he wove into his themes. He was the first American to master the art of detective and short story writing.

Most prolific of Southern writers was William Gilmore Simms of South Carolina. After writing about twenty volumes of verse in the vein of Byron and Scott, he turned with greater success to fiction. Some of his historical novels, notably *The Yemassee* and *The Partisan*, possessed real merit. He wrote biography, history, and geography in addition to poetry and fiction—over 100 volumes altogether—and did editing besides. Younger writers who received encouragement from Simms were Paul Hamilton Hayne and Henry Timrod. Both wrote poetry of great if not lasting charm. Timrod's impassioned war poems struck vibrant chords in the South. The burning of Columbia reduced him to abject poverty, and his early death was hastened by want of food. Hayne's poems did not show the fire and artistry of Timrod's, but his sonnets were praised by Tennyson as the best written by an American.

*Simms,  
Hayne,  
Timrod*

By 1840 the literary center had shifted from New York to the neighborhood of Boston, where a great flowering of literary activity together with humanitarian reform produced the finest fruits of the cultural renaissance. Paving the way for this outburst were the champions of free thought who burst the bonds of old Puritan culture under William Ellery Channing—who "breathed into theology a humane spirit"—and his followers in Unitarianism. This spiritual revolution, and the lofty philosophical manifestations springing therefrom, is commonly called transcendentalism. Ralph Waldo Emerson was its great exponent. Descended from a long line of ministers, Emerson took a pulpit but disagreed with his congregation and resigned at the age of twenty-nine. Then followed a trip abroad where he visited Wordsworth, Carlyle, and others through whom he tapped the idealistic philosophy of Germany. Returning to America, he soon settled at Concord where among friends such as Thoreau, Hawthorne, and the Alcotts he spent the remainder of his days as a serene prophet, reaching his audience through the lecture platform and his books.

*The  
New England  
renaissance*

*Channing,  
Emerson*

Motivated by a spirit of optimism and equality, Emerson preached the doctrine that man is divine—divine because of his capacity for infinite improvement through the soul's limitless

comprehension of the truth. In other words, he was urging the need of a higher spiritual life—one that might enable man through his intuition to understand a realm which transcended the world of senses. The emphasis was upon intuition rather than upon the processes of logic, and therefore resembled the “Inner Light” of the Quakers. Though people might lose themselves in the maze of his philosophy, the doctrine offered an attractive escape from damnation and profoundly stirred a group that produced a literature of revolt which helped usher in a new intellectual era. New England’s debt to Emerson is a heavy one.

*Thoreau*

Henry Thoreau, a naturalist without rod and gun, turned from pencil making to writing. A stark individualist, he delighted in breaking away from custom. Refusing to pay taxes, he served a jail sentence and was displeased when a relative secured his release by paying them. Seeking greater freedom for the human spirit, he became the hermit of Walden Pond. When this eccentric bachelor died in his forty-fifth year he was hardly known. But he had written charming nature studies which show him to be a great master of English prose, and half a century later critics ranked him with Emerson.

*Alcott,  
Fuller,  
Parker*

Other transcendentalists include Bronson Alcott—who peddled, taught school, wrote ineffective books, and fathered Louisa who wrote charming stories for children—Margaret Fuller, one of the first American feminists, and Theodore Parker. Finding Unitarianism too conservative, Parker assumed responsibility for the conscience of Boston, delivered mighty sermons and tried to reform the church and the clergy. He was a crusader against war, vice, intemperance, poverty, and disease, and was a shining light in the antislavery crusade. Burned out by his phenomenal driving power, he died at the age of fifty.

*Hawthorne*

Sojourning at Concord, a neighbor of Emerson and Thoreau, was the recluse, Nathaniel Hawthorne, who was destined to be known as New England’s greatest novelist. Stern Puritanism was in his ancestry, but his sympathies were those of a lonely romanticist. A period of residence at Brook Farm and unpleasant labor as Surveyor of Customs at Salem (his native town) were interludes in the years of struggle to teach himself the art of writing. The *Scarlet Letter*—a sweeping indictment of New England Puritan-

ism, with a central theme of psychological romance—appeared in 1850. Thereafter his fame was assured.

At near-by Boston and Cambridge, Oliver Wendell Holmes, Henry Wadsworth Longfellow, and James Russell Lowell were making notable contributions toward the literary ascendancy of

*Longfellow*



NATHANIEL HAWTHORNE  
ENGRAVED BY T. PHILLI-  
BROWN FROM PAINTING  
BY C. G. THOMPSON

Massachusetts in the "golden 'forties." Longfellow, a classmate of Hawthorne at Bowdoin College, was offered a professorship in modern languages there on graduation. After European preparation he took the chair, leaving it in 1836 to fill the same position as Ticknor's successor at Harvard. Longfellow exemplified at its best the gentle and refined scholar, the courteous host, and the lover of children. He glorified the commonplace and created musical legends from early American history. If not profound, his poems were simple, graceful, and encouraging; and many of them—such as *My Lost Youth* and *The Children's Hour*—possess enduring charm.

Lowell, who succeeded Longfellow at Harvard, first won fame as a poet, but he was a political essayist as well. After the Civil War he served as United States minister to Spain and England. A strong note of patriotic pride ran through much of his verse, and

*Lowell,  
Whittier*

he was a champion of new causes. Turning abolitionist, he poured scorn upon the South. The "poet of abolition," however, was the kindly Quaker, John Greenleaf Whittier, who grew up in the lonely neighborhood a few miles from Boston where stood his ancestral home whose surroundings are so faithfully described in *Snowbound*. His formal education hardly extended beyond a term or two in Haverhill Academy, where he paid his way by making shoes. His verses were not polished, but he sang of common things in a pleasing way. Enlisting in the abolitionist crusade, he wrote with passion and became a national poet; but his widest popularity came after the storm of civil war had passed.

Holmes

Dr. Oliver Wendell Holmes, for thirty-five years professor of anatomy at the Harvard Medical School, died in 1894, the last poet of New England's golden age. He became widely famous in 1857 with *The Autocrat of the Breakfast Table*, published in the newly founded *Atlantic Monthly*, edited by Lowell. All his work—whether novel, essay, or poem—reflects his wit, lively humor, and warm sympathy. His best known single poem, *The Wonderful One-Hoss Shay*, represents the sudden collapse of Calvinism.

Historians

While Longfellow, Lowell, Whittier, and Holmes in poetry, and Irving and Cooper in prose, were weaving heroic tales of early American life into a rich pattern to charm succeeding generations, the first American crop of professional historians were developing their themes through the painstaking labors of sound scholarship. Jared Sparks, George Bancroft, William H. Prescott, John Lothrop Motley, and Francis Parkman were all Massachusetts men, and all except Sparks enjoyed the security of inherited wealth. Sparks was a Unitarian minister who grasped the importance of preserving records. He collected historical papers ceaselessly, edited many of them (sometimes taking improper liberties), and wrote much. For a decade he was professor of history at Harvard, and for a short time its president.

Sparks

Bancroft

Bancroft learned thoroughness in Germany, and made his life work the glorification of American democracy through its history. The first volume of his monumental history of the United States, which he finished to the adoption of the Constitution, was published in 1834; the last in 1874. While his history contains much solid stuff, and was for many years the most popular work in the

field, it is greatly biased, and therefore loses much of its value. Bancroft helped make history as well as record it. He was Secretary of the Navy under Polk, at which time he founded the Naval Academy at Annapolis, and United States minister to England and Germany.

Through accident as a student, Prescott lost the sight of one eye and suffered permanent injury to the other. But this grandson of the hero of Bunker Hill labored with true courage of his own in writing unsurpassed histories of Spain and her conquests in the age of discovery and colonization. After dabbling in fiction, diplomacy, and politics, young Motley achieved fame with the *Rise of the Dutch Republic*. Other volumes on the Netherlands followed. Like Bancroft and Lowell, he represented the United States in diplomacy abroad. During the Civil War he was Minister to Austria, later to England, but both missions terminated unhappily.

Prescott,  
Motley

Parkman, son of a clergyman and a descendant of John Cotton, decided while still a sophomore at Harvard to write a history of the French and Indian War. His first work, *The Oregon Trail*, appeared when he was twenty-three. It describes his own experiences on a trip to the West. Thereafter he settled down to his original purpose, and against extreme physical handicaps which had been aggravated by too rigorous training at college, together with hardships sustained on the Oregon Trail, he finished the last of his epic volumes on the struggle between England and France in America shortly before his death. Strength of will was what he admired above all else in men, and this quality he exemplified to a rare degree. He suffered acutely, and his eyesight for long periods was so badly impaired that he could keep at work only by alternately reading and resting a minute at a time for half an hour. Often, even with the aid of secretaries and a frame with parallel wires to guide his hand, he could write no more than six lines a day. His courage, no less than his history, is a monument to a splendid man and a fine historian.<sup>1</sup>

Parkman

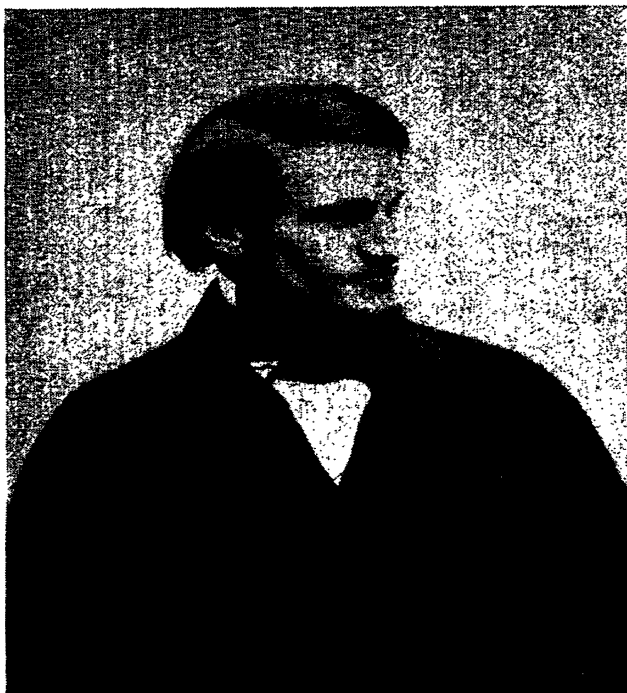
In striking contrast to the literary activity of the period, lasting contributions in the fine arts were meager. Although Americans

Music

<sup>1</sup> In 1856 Richard Hildreth, also of Boston, finished his six-volume history of the United States to the end of Monroe's administration. His later volumes were marred by his strong Federalist predilections.



were still dependent upon Europe for the higher forms of music, they showed a lively and growing interest in organizing societies for its cultivation. The Handel and Haydn Society of Boston dates from 1815. Philadelphia organized the Musical Fund Society five years later. In the early 'forties New York, Philadelphia, and Boston boasted philharmonic orchestras, and Beethoven was being played. The New York Philharmonic is the oldest professional symphony in America. Its centennial observance (1941-42) was a season of great satisfaction to music lovers everywhere. The honor of having the oldest amateur orchestra with a continuous history goes to Harvard. This orchestra dates from 1808. Harvard too, in 1855, was the first college to establish a professorship of music.



FRANCIS PARKMAN  
DAGUERREOTYPE BY SOUTHWORTH AND  
HAWES

*From Hawes-Stokes Collection, courtesy of The  
Metropolitan Museum of Art*



**WILLIAM H. PRESCOTT**

*Courtesy of New York Public Library*



**GEORGE BANCROFT**

*Courtesy of the New-York Historical Society,  
New York City*

The Boston Academy of Music was established in 1833. Under the leadership of Lowell Mason, music became a part of grammar school education in Boston by the end of the 'thirties.

Charleston, as an early music center, is credited with the first performance of opera in America. French and Italian opera was to be heard in New Orleans after 1791. New York enjoyed its first grand opera in 1825, and eight years later had an opera house. But the early attempts to establish opera as a fashionable pastime failed dismally, even when the elite of the city was able to identify its performance with evening dress and white kid gloves.

*Ole Bull,  
Jenny Lind*

European musicians were usually given a good hearing by Americans. The pyrotechnics of Ole Bull, the Norwegian violinist who began a tour in 1843, proved so satisfying that he collected about \$400,000. Others followed. In September 1850 Jenny Lind made her debut at Castle Garden in New York. Brought to America by P. T. Barnum, on such princely terms as the world had never known, she was America's first sweetheart—until she married. At the end of the decade the youthful Adelina Patti enjoyed a lesser triumph.

*Mason,  
Foster*

Most of the music produced by Americans was of slight value, and relatively little has survived. "Leonora" (1845) was the first American opera worthy of record. Lowell Mason wrote many hymns which are still familiar to churchgoers because set to music which he adapted from the symphonic works of European masters. The greatest contribution before the Civil War was made by Stephen C. Foster, who was born in the North of Southern parents. He wrote about the land of his ancestors, and in the simple charm of his songs American balladry reached flood tide. Poetic by nature, he wrote the words as well as the music for all his most successful songs. Over 150 compositions came from his pen although he died at the early age of thirty-seven, a lonely and pathetic figure.

*Painting*

In painting and sculpture creative work was hardly more impressive. Whether this is to be explained by the failure of artists to break from the traditions which bound them, or, on the other hand, by the triumph of democracy with its leveling influence, is debatable. Previously the fine arts had been kept alive by patrons from an aristocracy whose taste was superior to that which was

being exalted by the rise of the common man. Many portrait painters there were, but they were not of the post-Revolutionary caliber; moreover the introduction and development of photography was seriously cutting into their business by 1850. John Trumbull lived until 1843, but his last mighty paintings of the Revolution—*The Signing of the Declaration of Independence* and *The Surrender of Cornwallis*—were finished soon after the War of 1812. He had a few imitators. The most distinct contribution was being promised by artists of the "Hudson River School," who were trying to catch the beauty of nature on their canvas. The greatest of American landscape painters, George Inness, belongs rather to the next generation; but some of his most beautiful work was done before the Civil War.

No more impressive was the output of sculptors, most of whom were bound by classic traditions. Most popular of those who attempted the aesthetic were Horatio Greenough, Hiram Powers, and Thomas Crawford. All studied in Italy, and all tried to imitate the art of ancient Greece and Rome. Greenough is best known for his heroic marble statue of Washington seated on a throne. The bared torso was considered indecent, and helped relegate it to the shades of the Smithsonian Institution. Powers achieved lasting fame with "The Greek Slave," clothed in naught but innocence. The young lady quickly became a national sensation, and Powers made six replicas to meet the demand. But the daring character of the work, in an age when an ankle was exciting, was an affront to prudish sensibilities, and in some places the statue had to be clothed in muslin before being exhibited. The superior work of Crawford was deservedly more popular. His was the great figure of liberty that came to grace the dome of the Capitol. Sculpture

Bronze statues vied with marble. Henry K. Brown made an equestrian Washington for Union Square, New York—the first bronze figure produced entirely in the United States. In 1853 Clark Mills' bronze equestrian statue of Andrew Jackson—the first in the world balanced solely on the rear legs of the horse—was triumphantly completed for the national government. For this work Congress voted the sculptor \$20,000, and New Orleans paid him \$35,000 for a replica. Congress then granted him \$50,000 for one of Washington. It was dedicated on February 22, 1860.

*An era of  
reform*

During these same decades of industrial expansion and intellectual ferment, social unrest with a zeal for reform was widespread. Men everywhere were turning with enthusiasm to the welcome task of producing a finer civilization, and schemes and fads of a thousand varieties enjoyed their day. James Russell Lowell observed that

Everybody had a mission . . . to attend to everybody-else's business. No brain but had its private maggot, which must have found pitifully short commons sometimes. Not a few impecunious zealots abjured the use of money (unless earned by some other people), professing to live on the internal revenue of the spirit. . . . Communities were established where everything was to be common but common sense.

With such an abundance of humanitarian zeal at least a few far-reaching reforms were inescapable.

*Poverty in  
cities*

Even though America was a land of opportunities which roused patriotic devotion in poet and historian, it housed in Eastern cities an appalling amount of poverty and destitution. Immigration from Europe, where action was taken to ship paupers to America, was largely responsible. Organizations for the prevention of pauperism date from 1817 (New York) at the latest. In 1835 Boston organized a Society for the Prevention of Pauperism. As the result of the panic of 1837, bread riots in New York City led to the establishment of several relief societies—no less than thirty by 1840—which were soon drawn into a general association. Other large cities followed her example. By the 'forties almshouses in the country as well as cities of the older states were becoming common.

*Imprison-  
ment for debt*

Consideration for the poor found expression in the gradual outlawing of the crying evil of imprisonment for debt. This hoary practice was responsible, according to an estimate in 1829, for the annual imprisonment of 75,000 unfortunates, most of whom owed sums of less than twenty dollars. At least four-fifths of all the prisoners in New England and the Middle states were debtors. Once lodged in a filthy jail the victim lived on charity, if at all, until the debt was paid. Starting with Kentucky in 1821, several states by 1830 imposed restrictions on the practice. Thereafter the movement gained momentum so rapidly that the custom was abolished throughout the country before the Civil War.

Concurrently much interest was manifested in humanizing punishments and the criminal code. A great advance had been made over the colonial practice of branding and mutilation, but whipping was still common and capital crimes were many. In Massachusetts as late as 1829 there were still twelve crimes punishable by death. Before the Civil War the degrading practice of public hangings was abolished throughout the land, while a few states, led by Maine, did away entirely with capital punishment.<sup>1</sup> The public whipping post was abolished by most states, and in 1850, by an act of Congress, flogging was outlawed in the navy.

*Reform of  
criminal  
codes*

With the reform in criminal codes the eighteenth-century conception of the prison as a place for housing debtors and detaining criminals pending trial or execution gave way to the idea of making it an instrument for punishment and reformation of the inmates. But until radical transformations were wrought, prisons were flourishing schools for crime. Prisoners commonly were thrown together indiscriminately, excepting the usual custom of separating men and women, and occasionally segregating the debtors and the insane. In filthy, unheated pest holes hardened criminals taught delinquents their unholy trades.

*Prison reform*

Pennsylvania and New York took the lead in inaugurating reforms. In the 'twenties at Auburn, New York, an experiment was made with convicts at solitary confinement without work, and with no books except the Bible. But within three years so many had died or become insane that the plan was modified to the extent that the men worked in gangs during the day, under a system of terrorism and absolute silence, returning to their cells at night. Pennsylvania, in 1829, established a different system. On the theory that criminals would repent if isolated with nothing to do but think of their sins, they were placed in solitary confinement at hard labor day and night. For years the relative merits of the two systems were widely debated. In time both were considered inhuman, and were modified by lifting the ban of silence and permitting books and other forms of recreation.

*New York,  
Pennsylvania*

In 1841 Dorothea Dix began a crusade for the better care of the

<sup>1</sup> They were Maine, 1837; Michigan, 1847; Rhode Island, 1852; and Wisconsin, 1853. Pennsylvania as early as 1784 abolished capital punishment for all crimes except first-degree murder.

*Care of the  
insane*

insane. In earlier generations insanity was considered as a visitation resulting from sin, and the poor unfortunates were given such care as their relatives might provide or turned over to the mercies of prison keepers who sometimes subjected them to treatment which beggars description. Some halting beginnings toward the solution of the problem were made in Pennsylvania and Virginia before the Revolution—the first public institution for lunatics exclusively was opened at Williamsburg in 1773—but in 1840 there were only eight insane asylums in the United States. The following year the soft-spoken, public-shunning Miss Dix started a personal investigation of conditions in Massachusetts which marks the real beginning of the ante-bellum era of reform. After two years of visiting prisons and jails she presented her horrible findings to the state legislature. In state after state she followed the same procedure, and by 1854 was instrumental in leading eleven states to transfer the insane from jails to asylums under medical care. In that year Congress passed a bill which she sponsored, setting aside 12,225,000 acres of public land for the maintenance of asylums for the poor. President Pierce vetoed the measure.<sup>1</sup>

*Temperance  
reform*

As the movement for prison reform gained momentum, and the attention of the public was brought increasingly to bear on the plight of the delinquent and the defective, the conviction that intoxicating liquor was a mighty factor in producing crime and poverty led to an organized temperance movement. The consumption of strong drink during the first quarter of the nineteenth century was probably greater than ever before. Nearly all gatherings, whether for business or pleasure, from weddings to funerals, offered an excuse for indulgence. On the frontier, where social outlets were few, corn whiskey added spice to a monotonous existence and helped drown sorrow; but to some troubled souls no excuse would suffice for the flowing bowl at a minister's ordination in an Eastern city. In some instances preachers even dealt in alcoholic beverages. Drinking bouts were common, and well-nigh assumed the status of a sport in a day when a sovereign

<sup>1</sup> He believed that Congress had no constitutional right to dispense charity, and that aid for the "indigent insane" would be followed by aid for the indigent who were not insane. Moreover, the public lands had been pledged as security for the Mexican War debt.

American citizen with a few cents could become as "drunk as a lord."

Before the launching of an organized temperance movement in the 'twenties, agitators against drink were lone voices crying in the wilderness.<sup>1</sup> The American Society for the Promotion of Temperance, organized in Boston in 1826, resulted from a movement which Lyman Beecher encouraged by his famous "Six Sermons" on the evils of drinking. Within the year hundreds of similar organizations sprang to the challenge, and in 1833 a great temperance convention was held at Philadelphia, where a national organization was formed.

In the early days of the organized campaign, chief emphasis was placed upon the scientific approach to the deleterious effects of intemperance; but, despite the convincing nature of such arguments, they failed to carry moral conviction. The student of medicine who found the blood of a sot so diluted with alcohol as to constitute a fire hazard seems not to have greatly furthered the cause. Before 1840 the radical element, demanding total abstinence, came to dominate the movement. Recurring waves of enthusiasm then swept the country. Most famous of the new organizations was the "Washington movement," launched in 1840 by six convivial tipplers of Baltimore who forswore everything from gin to cider. The technique of this society was to secure pledges of total abstinence through the stirring appeals of reformed drunkards who joined the society. Most famous of the testifiers was John B. Gough. When thoroughly warmed up to the portrayal of his damp past (once at least by a relapse into his old ways) Gough could make the beauty of complete transformation so compelling that young men were induced to become drunkards in order to enjoy the soul-stirring experience of being saved from the gutter.

*Scientific vs.  
emotional  
appeal*

The Washingtonians were emulated by various other societies of a fraternal nature. One of them, the Sons of Temperance,

<sup>1</sup> During the Revolutionary War, Benjamin Rush, one of the most prominent physicians of his generation (signer of the Declaration of Independence and Physician General to the Military Hospitals of the United States), published a tract urging temperance. He inveighed against the indulgence which, as he said, made man resemble a calf in folly, an ass in stupidity, a tiger in cruelty, a skunk in fetor, and a hog in filthiness.



boasted in 1850 nearly 250,000 dues-paying members. Women formed sister organizations, and the Protestant ministry became virtually a total-abstinence society. Father Theobald Mathew arrived in 1849 from a successful abstinence career in Ireland and soon rivaled Gough in influence. A voluminous temperance literature furthered the cause. Most effective was Timothy S. Arthur's *Ten Nights in a Bar-Room* (1854) which in dramatized form had no equal in popularity save *Uncle Tom's Cabin*.

*Prohibition  
laws*

The far-reaching salutary effects of the temperance movement can be measured only in part. Making due allowance for backsliders, many thousands gave up intoxicating beverages, and hard drinking fell into general disrepute. Tangible results in the form of prohibitory state legislation attest to the strength of the popular feeling. Under the political leadership of Neal Dow, Maine in 1851 enacted the first American law prohibiting the manufacture and sale of intoxicating liquors except for medicinal purposes.<sup>1</sup> With Maine as a pattern, about a dozen Northern states fell into line by the middle of the 'fifties with some sort of restrictions. Then the temperance movement ebbed, and repeal began even before the Civil War. In a few years only Maine, New Hampshire, and Vermont remained in the temperance fold. The problem was reserved for future generations to solve.

*Religion*

Profound changes extended also to the religious life of the people. By 1830 the Calvinistic creed with its terrible doctrines, including infant damnation, had been greatly softened in New England under the onslaught of William Ellery Channing and the Unitarians; but in the South and West undefiled Presbyterianism still manned the gates against the softening heresy of liberals. Lyman Beecher, who had prophesied in 1825 that at no distant day Unitarianism would "cease to darken and pollute the land," was still the most eloquent champion of the old faith. Even he was destined to see the light. Theological hairsplitting among the clergy was still producing new religious sects by the score;<sup>2</sup> but

<sup>1</sup> In 1846 Maine had absolutely forbidden the sale of intoxicants, but the law could not be enforced. Some other states—Massachusetts and Tennessee in 1838, Ohio and Mississippi in 1839, New York in 1845, Delaware in 1847, and Wisconsin in 1849—tried local option and other mild forms of regulation.

<sup>2</sup> There were a dozen different bodies among the Baptists from regulars to Two-Seed-in-the-Spirit Predestinarians, as many Methodist branches, half as

more and more of the people were giving less attention to doctrine, demanding instead a religion that would satisfy their spiritual needs.

Similarly, religion was finding a wider expression in social service and was a driving force in most reform movements of the period. The antislavery impulse stemmed from a great religious revival which began in western New York with the fiery evangelism of Charles Grandison Finney and spread to different parts of the country, claiming its hundreds of thousands by 1830. Temperance and women's rights likewise were closely associated with this movement and period of emotional release.<sup>1</sup> Men of ability were attracted to the ministry, and church attendance grew. By 1850 probably three-fourths of the country's total population held church membership. Sunday observance was general, and in some respects extended to limits which seem unbelievable in the present generation. In the 'forties, for example, several states forbade the operation of trains except for carrying the mails, and by 1850 forty railroad companies voluntarily suspended Sunday traffic.

Other reform movements of the period included well-directed efforts toward educating the blind. Through the aid of a merchant, Thomas H. Perkins, Dr. Samuel G. Howe of Boston demonstrated the great possibilities of education for these unfortunates through raised alphabets and other paraphernalia at the famous Perkins Institution for the blind. Schools of the same type were soon founded in other parts of the country.<sup>2</sup>

*The blind*

Most visionary of all—and most tragic in its failure for the twentieth century—was a movement for the prevention of war

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many Presbyterians, and scores of numerically smaller denominations. In 1850 the Catholic Church had the largest membership (1,500,000), followed by the Methodists (1,225,000), Baptists (800,000), and Presbyterians (500,000).

<sup>1</sup> Mormonism and the Millerites were products of this social ferment. In 1831 William Miller, native of New York, began preaching the second coming of Christ, which he had previously calculated to be on April 23, 1843. As the appointed day approached, suicides and insanity increased—insane asylums reporting a marked increase in the number of religious victims. A great comet fired the heavens, but on "ascension day" thousands of people who abandoned their work and homes found no use for their muslin ascension robes. The final date for the coming was set for October 22, 1844, after which there was a marked decrease in the ranks of the faithful. Miller's followers later organized as the Seventh-Day Adventists.

<sup>2</sup> New York (1832) opened the first school for the blind in the United States. Boston was a few months later. Philadelphia was third in 1833.

*Peace  
movement*

which took form as early as 1815 and lasted until 1860. In 1828 about fifty local organizations founded the American Peace Society, which cooperated with foreign organizations in a campaign of propaganda. The program envisaged periodic world congresses for the codification of international law and the establishment of a world court to administer it. Wars in Europe and the approaching American Civil War crushed the movement.

*"Woman's  
rights"*

The activity which resulted in higher education for women was but one phase of a wider campaign for "woman's rights." The movement may be said to have begun in America with the second visit in 1824 of a young Scots woman, Frances Wright, who accompanied Lafayette on most of his triumphal tour and was associated with Owen in his New Harmony experiment. Possessed of a large fortune and an untamed disposition, she took the platform to advocate many reforms, including religion and birth control. In so doing, she shocked conservatives but showed many earnest women the possibilities for wider influence through public appearances. Her example was soon emulated by brilliant women in literature and reform. Among them were Sarah and Angelina Grimké of South Carolina, most famous of Southern feminists in the antislavery movement; Margaret Fuller, representative of the noblest intellectual activity of New England; Lucy Stone, crusader for equal rights; Dorothea Dix, Mrs. Elizabeth Cady Stanton of New York, Mrs. Lucretia Mott, the Philadelphia Quakeress, and Sarah Josepha Hale, "The Lady Editor."

*Changing  
conditions*

Although full political and economic rights were not acquired until long after the Civil War, notable advances were being made a generation earlier. The growth of the factory system, attended by revolutionary changes in production, took thousands of women into a new sphere of activity; and the widening opportunity for schooling brought its inevitable reaction against narrow conventions which were designed to make woman a sheltered and obedient angel in the home. The possibilities for entrance into the professions were evidenced even in colonial times, when women owned and edited several newspapers. Before 1860 they had invaded the precincts of medicine, law, and the ministry.<sup>1</sup> Missis-

<sup>1</sup> Harriet K. Hunt practiced medicine in Boston from 1822 to 1872, although a diploma was not granted until 1853. In May 1849 Elizabeth Blackwell received the

issippi (1839) was the first state to grant to married women the control of their own property. Before 1860 a number of others, chiefly in the West, had fallen into line.<sup>1</sup> But women had to make their own way, even though they generally dictated social life and were treated with such deference as to provoke frequent comment by European visitors.

The organized feminist movement in America was a logical outgrowth of active participation in various reforms of the day (such as temperance and antislavery) and is commonly associated with the exclusion of eight American delegates to a World's Antislavery Convention in London (1840) solely because they were women. In a "beautiful gesture" William Lloyd Garrison refused to speak as scheduled, and took his place beside them in their righteous cause. Eight years later two of them (Elizabeth Cady Stanton and Lucretia Mott) called the first Woman's Right Convention at Seneca Falls, New York. Adopting a declaration affirming the equality of men and women, the campaign for suffrage was launched. In 1850, at the call of Lucy Stone, was held the first national Woman's Rights Convention—thereafter an almost annual affair.

*Organized  
feminist  
movement*

The crusade thus launched was continued with great credit to many of its champions. Yet there were some impatient souls who invited criticism and damaged their cause by advocating entire emancipation from discriminating conventions. Lucy Stone cut her hair short and retained her maiden name after marriage. Amelia Jenks Bloomer denounced the bisecting corsets and voluminous petticoats of the day, and designed a costume mildly suggestive of the gymnasium vesture of the pre-World War I co-ed. Whatever chance her innovation might have had was dashed when females of the wrong "profession" appeared in the new attire. Such manifestations were but bubbles on the sea of reform.

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first degree of Doctor of Medicine granted to a woman in America. In Baltimore, as early as 1847, another was practicing law, although the first admitted to the bar was an Iowan in 1864. As early as 1853 a woman, Antoinette Brown Blackwell, was regularly ordained to the ministry by the Congregational Church.

<sup>1</sup> The East was not so democratic. In 1836, Ernestine L. Rose, a Polish resident in New York who attained great influence as a feminist, circulated a memorial petitioning the state legislature to grant women the right to hold property. She secured only five signatures.

In a period when the humanitarian spirit was rampant, it was inevitable that Negro slavery should be made the object of its zeal, even as white men held in bondage by rum or noisome jail. Antislavery reform was not new in America, but it acquired a belligerent character in the 'thirties—one which rapidly assumed such proportions as to test the permanency of the Union. But first the South and its way of life must be considered

## Chapter Thirty-Four

### THE OLD SOUTH AND ABOLITION

IN ALL American history the most enduring sectionalism is to be found in the South. That this should be true in the post-bellum era is natural enough; that it was true three decades before the war is not so easy to explain. For the Old South was an extensive region with greater variations in climate and physical geography than the North. Its people, too, although racially homogeneous, showed immense diversity from the cultured aristocrats of tidewater Virginia or South Carolina through sturdy yeomen farmers to the poor whites and African slaves. But throughout the South—whether in the Tidewater of Virginia, the Rice Coast of South Carolina and Georgia, the Piedmont Plateau, the bluegrass region of Kentucky, the Black Belt, or the Mississippi delta—there was a spirit of unity, a consciousness of being “Southern,” which has prevailed to this day. Why this oneness in the days of slavery; why an indefinable charm in the “South” for those who claim it as a place of birth or thrill to the strains of “Dixie”?

*Southern  
unity*

In ante-bellum days this solidarity rested upon unchanging satisfaction with an agrarian way of life, and a mind to keep it in spite of “progressive” urbanization in the North. It rested, too, upon a fixed determination to maintain a “white man’s civilization” in a land of many blacks. As U. B. Phillips, a leading authority on Southern history, has shown, this purpose was, and remains, the “central theme” in Southern life to this day.

*The “central  
theme”*

Because the South was still distinctly rural and agricultural in 1860, a considerable portion of its towns and small cities were little more than auxiliaries for the country. Their profits were derived from handling cotton, tobacco, rice, and sugar; and the well-being of their professional men depended upon service to the planters. Inasmuch as most Southern gentlemen considered the army, the law, and the Church the only proper substitutes for agriculture, a great share of the shopkeeping was commonly left

to Yankees or Jews, while European and Northern bankers and shipowners supplied capital, handled the cotton, and took most of the profits.

*Crops and  
climate*

To a remarkable degree the economic life of the South was shaped by the climate. The summer growing season lasts from six months in Virginia and Kentucky to nine at Charleston and New Orleans. Tobacco grows well in the first zone, rice and sugar in the other—in between is the land of cotton. Less than half the area of the ante-bellum South was ever given to cotton culture, and less than half its people engaged in its production, yet its growth after 1820 in response to the world's need was so rapid—approximately doubling each decade until 1860—that in the 'fifties Southerners were convinced that "Cotton is King."

*"King  
Cotton"*

The invention of the sewing machine in 1846 stimulated the demand for cotton somewhat as the gin (1793) had stimulated its production. Thereafter, until the war, the price averaged ten cents per pound, and production increased rapidly. The value of the crop in 1850 was \$100,000,000; in 1859 it was nearly two and one-half times as much. Such statistics are misleading, however, because most of the profits left the South in the form of commissions, freights, and tariffs. Moreover, what with buying more land and slaves, even the wealthiest found difficulty in keeping out of debt, while many had to depend upon the advances of cotton factors or money-lenders between crops. Slave labor was most profitable when applied to the production of rice, sugar, and cotton, but it represented an investment in capital which yielded slight dividends. A prime field hand worth \$500 in 1830 might cost twice as much twenty years later, and three times as much in 1860.<sup>1</sup>

<sup>1</sup> Relationship between the amount of cotton grown, the average export price (uplands) at New York, and the approximate cost of prime field hands:

Year	Amount (millions of pounds)	Price per pound (cents)	Price of prime field hands (dollars) in: Virginia	Charleston	New Orleans
1830	365	9.1	425	500	850
1835	530	16.8	650	750	1,150
1840	673	10.2	750	800	1,000
1845	902	7.8	550	575	700
1850	1,066	12.1	700	650	1,100
1855	1,608	9.5	1,000	950	1,350
1860	1,918	11.1	1,250	1,200	1,800

See chapter on Growing Sectionalism and Party Politics for table of relative prices before 1830.

As late as the Civil War one of the most striking characteristics of the Old South was the homogeneity of its 8,000,000 white people, most of whom were of pre-Revolutionary English descent. In addition to the English there were considerable contributions of Scotch-Irish and Germans who had followed the mountain valleys southward, of Huguenots in South Carolina, and Creoles and Italians in Louisiana. Of the four million foreign-born residents listed in the United States by the census of 1860, only 536,692 resided in the South, and over half of these lived in Missouri, Maryland, and Louisiana.<sup>1</sup> The average for Alabama, Arkansas, Georgia, Mississippi, North Carolina, and South Carolina was one per cent of the total. Nevertheless, the South was a region of clearly defined classes where each knew its "place," but without prohibitive bars to advancement save for the Negro.

*The white population*

At the bottom of the white social scale were the "poor whites." Despised even by the slaves, this relatively small class haunted the pine barrens and other unwanted land throughout the South.<sup>2</sup> In appearance they were lank and bony, with a sallow, anemic complexion—a condition not ameliorated by the practice of eating clay. Although too shiftless to attend a crop (if the inspiration of spring induced the planting of a few seeds) they disdained begging. Game was abundant, and a bit of hunting would suffice for eking out a drab but rather contented existence. Whether their lowly state is to be explained in terms of congenital laziness, inherited from low-class servants imported during the colonial period, or, rather, as a consequence of malaria and hookworm (then unsuspected), is debatable. Certainly the conquest of disease in recent years has invigorated many of them as only whiskey, religion, or war could ever do in an earlier day.

*"Poor Whites"*

Living apart—fiercely determined to mind their own business and let the rest of the world do likewise—were the "mountain whites." Racially pure, they clung to age-old traditions, handed down hoary ballads from generation to generation, frowned on "progress," lived simple lives, scorned luxury, hated "revenooers," and settled differences in the blood feud.

*Mountain folk*

More numerous than all other classes combined (slaves in-

<sup>1</sup>In the eleven seceding states there were fewer than 250,000 foreign-born.

<sup>2</sup>They were known by different names in different localities; for example, "Sandhillers" in South Carolina, "Crackers" in Georgia, "Squatters" in Alabama, and "Rag-tag and bob-tail" in Virginia.



*Farmers*

cluded) were the yeoman farmers. About one-fifth of them owned a few slaves, but all were forced to live by the sweat of their brow. In plantation areas they lived among the large slaveholders, defended slavery, and acquired slaves as they were able—hoping in time to become planters themselves, as indeed many of them did. Their crops were those of the planters, excepting rice and sugar, the production of which required more capital than they could command. Outside the plantation area they comprised a great majority of the entire population, and many engaged in self-sustaining diversified agriculture after the manner of Northern farmers. In the Virginia and North Carolina Piedmont, wheat, corn, oats, rye, barley, tobacco, and clover were common. Sheep produced the wool for home consumption, swine were fattened against the frosty days when butchering was in order, and domestic fruit trees supplemented the rich offerings of field and forest. Though less well known than planters or slaves, the farmers constituted the principal element in a great middle class of real importance. In North Carolina, at least, they were the “backbone of society.” Many of the small businessmen, together with a great share of those engaged in the professions—preachers, lawyers, teachers, and doctors—belonged to this middle class. Their importance in Southern life generally has been overlooked.

*The planter aristocracy*

Standing at the top of the social order, secure in its position, was the planter aristocracy. Probably not more than one-fifth of the total Southern white population (over 8,000,000 in the fifteen slave states in 1860) belonged to slave-owning families. In 1860 there were slightly over 383,000 slaveholders, and of this number approximately 100,000 owned ten or more. Only 10,658 owned fifty or more.<sup>1</sup> Considerably fewer than 100,000 planters, there-

<sup>1</sup> Number of slaveholders in the Southern states:

		1850	1860	
Holders	of 1 slave each	68,820	76,668	
"	2-4 slaves "	105,683	109,588	
"	5-9 " "	80,765	89,423	
"	10-19 " "	54,595	61,682	Nathaniel Heyward,
"	20-49 " "	29,733	35,616	a rice planter of
"	50-99 " "	6,196	8,366	South Carolina who
"	100-200 " "	1,479	1,980	died in 1851, owned
"	200-300 " "	187	224	over 2000 slaves.
"	300-500 " "	56	74	
"	500-1000 " "	11	13	(Continued on
"	1000 or over	1	?	next page.)

fore, owned a sufficient number to be classed as planters, yet they dominated the social, economic, and political life of the South. But theirs was no "closed corporation" to which people in humbler walks of life might not aspire. Actually the planter class was continuously recruited from farmers. As late as 1850 a majority of the planters, if not actually self-made men, were not more than a generation removed from the humbler status and had neither the income nor the taste for enjoying the luxury of an expensive home or the amenities of cultured living. Nevertheless, they belonged to the governing class and educated their sons and daughters to the responsibilities of their station.

Only a few aristocrats to the manner born traced their ancestry to the gentry of the eighteenth century. Virginia had long since gone into an economic decline, thus disrupting many plantations, and the old families of Charleston were losing their vigor. But in the older states men still dominated public life by virtue of character rather than wealth, and their governments were honestly and efficiently conducted, as becomes men of honor.

The familiar fiction that every plantation residence was a grand mansion sheds a legendary halo about Southern life which surviving homes like *Monticello*, *Gainswood*, or *Belle Grove* help perpetuate. Plantation residences were generally roomy wooden structures, designed for comfort during the heat of summer. Tall porch columns gave dignity and supported an upper portico where the cooling breeze might be enjoyed to the fullest ad-

*Homes of  
planters*

Slaveholders and slaves by states in 1860:

	Slaveholders	Number holding 50 or more	Total number of slaves in state
Alabama	33,730	1,687	435,080
Arkansas	1,149	10	111,115
Delaware	587	0	1,798
Florida	5,152	205	61,745
Georgia	41,084	1,314	462,198
Kentucky	38,645	70	225,483
Louisiana	22,033	1,576	331,726
Maryland	13,783	115	87,189
Mississippi	30,943	1,675	436,631
Missouri	24,320	38	114,931
North Carolina	34,658	744	331,059
South Carolina	26,701	1,646	402,406
Tennessee	36,844	382	275,719
Texas	21,878	336	182,566
Virginia	52,128	860	490,865

vantage. But whether grand or modest, the "big house" was the center of plantation life in an age when the competition of urban attractions was usually negligible.

*The  
Southern  
gentleman*

Although the life of many planters was not particularly uplifting—what with the petty aggravations of slave management, limited personal restraints, and an excess of arrogance—the true Southern gentleman was the finest fruit of the old regime. He was justly proud of his ancestry, was invariably chivalrous to ladies, extended gracious but discriminating hospitality, and assumed the civic obligations of his station. While resident on his plantation he might expect a great share of his waking hours to be filled with the paternalistic duties which the ownership of many slaves entailed; but though he had responsibilities he also had leisure, and he refused to sacrifice the art of living to his business. That dueling could flourish among such men is to be explained partly by touchy arrogance and partly by self-respect, a high sense of honor, and contempt for cowardice.

*The role of  
women*

Shielded so far as possible from the harsher realities of life, yet strangely capable of dominating society and of playing their role successfully, were the ladies—mothers and daughters—who fostered the graces demanded by the world's last flowering of chivalry. Although the daughter's chief object in life might be the cultivation of beauty as a means for catching the most eligible male, she was expected to be an artist in fine sewing and an amateur in music and literature. As the mistress of a plantation her duties and responsibilities were far more onerous than those of the master. She must keep the household functioning smoothly in spite of dawdling domestics, supervise every activity from parlor to kitchen, and nurse the sick and soothe the dying; then at evening appear calm and unwearied. If anyone was freed by the Civil War it was the wife of the planter.

*Education*

As a class, the larger planters were educated people. Elementary schools were poor, but planters engaged tutors. Secondary schools and colleges compared favorably with those of the North. Shortly before the Civil War the South, with a white population considerably less than half that of the North, had two-thirds as many colleges, and a comparable student enrollment. In the cotton states 11,000 college students were enrolled, while Massachusetts

with half as many white people had less than 2000. Many Southerners attended Northern colleges. There was more illiteracy in the South than in the North, but not so much crime and lunacy.

In the planter's library were to be found books on law and history, Greek and Roman classics, and English literature. Sir Walter Scott was the favorite, but Addison, Thackeray, Doctor Johnson, Goldsmith, Shakespeare, and Dickens were widely read. Shakespeare was played in Charleston long before Boston or Philadelphia gave a hearing. But in spite of cultural interests the literary output in the South found expression, rather, in politics

*Cultural  
interests*

DUNLEITH, NATCHEZ, MISS.

*Courtesy of Department of Archives and History, State of Mississippi*



and the defense of states rights, and after 1831 too much energy was directed to the defense of slavery. Furthermore, urban centers to stimulate literary activity were lacking; the outdoor life and relatively short winter evenings were appreciable factors, and, finally, young men generally preferred a career offering political or military distinction.

Plantation life varied with the character of the owner, the size of the plantation, and its geographical location. On small plantations, where owners of limited means were compelled to spend their days in direct supervision of operations, life was relatively uneventful, provided few comforts denied to farmers, and to outsiders seemed to offer little as compensation for the worries entailed. But wealthy planters—those who could leave management in the hands of overseers—found leisure to spend the winter social season in Charleston or New Orleans and go to Old White Sulphur in the summer. Only a relatively small number of men owned several plantations each, thus placing management in the hands of a hierarchy of stewards and overseers, and absenteeism outside the Mississippi lowlands was uncommon.

*Size of  
plantations*

Plantations differed greatly in size from a few hundred to several thousand acres. In 1860 Virginia and Alabama each had upwards of 700 estates of 1000 or more acres; Georgia over 900. Great landholders like Wade Hampton owned many plantations. Cotton plantations were seldom larger than 1000 acres, this being the amount which eighty to one hundred slaves—considered the most satisfactory agricultural unit—could operate. Sugar plantations were frequently many times larger. The English correspondent, W. H. Russell, describes a plantation of 40,000 acres near New Orleans which was purchased in 1857 for \$1,500,000. On this estate 16,000 acres of corn were under cultivation; but what impressed him most was a 6000-acre cane field “as level as a billiard-table.”

*Plantation  
economy*

The income of a few planters was large. In 1850, according to W. E. Dodd, 1000 families received \$50,000,000, while all the remainder received but one-fifth more. But in spite of the great value of leading staples,<sup>1</sup> planters could not feel sure of continued

<sup>1</sup> In 1850 cotton exports amounted to more than \$100,000,000. Sugar brought \$14,800,000, and rice \$2,600,000.

In 1859 cotton exports amounted to more than half the total value of all Ameri-

economic stability. Heavy investments in land, which commonly depreciated rapidly under a wasteful system of agriculture, and in slaves that might die in an epidemic, together with concentration on a single staple that might suffer from adverse crop conditions, resulted frequently in bankruptcy. In good years or bad the slaveowner had a great overhead to maintain. Unlike the Northern manufacturer, he could not dismiss his laborers in a slack season. Nevertheless, the difference between affluence and poverty in the South was determined by the ownership of slaves.

Whether slavery was destined to disappear because of economic unprofitableness is a subject for interesting speculation. Slavery never was fastened securely on the Northern states because it was unprofitable there, and for the same reason well-nigh disappeared before 1860.<sup>1</sup> Virginia, first to exploit slave labor extensively, was facing economic ruin before 1830 and profited from the institution thereafter mainly by selling surplus Negroes to the Lower South. Many splendid old establishments were maintained through revenue derived from the ownership of plantations in Alabama or Mississippi; many others went to forced sale. The plight of Jefferson has been mentioned. Madison reached such extremities that Biddle refused him a loan of \$6000; Monroe had to sell Oak Hill and leave Virginia forever.

*Why little  
slavery in  
North*

In the cotton belt the system was profitable only so long as virgin soil was obtainable for increasing production; for the margin of profit was too low to permit successful operation on worn lands. Because of the demand for more slaves to raise more cotton, the price of slaves advanced until the Civil War. Planters, therefore, had such heavy investments in slaves as to further convince themselves of the value of the system. But slavery was doomed as soon as the cotton kingdom no longer provided territory for expansion. Most historians who are qualified to venture an opinion are confident that even before the Civil War the end was in sight.

*Prospects for  
decline in  
South*

Although soil mining was the general rule in plantation areas, even as in the North, positive efforts were being made to save the land by diversified agriculture and soil improvement, as well as to make the South less dependent upon the North. Contrary to the usual opinion, the South was a heavy producer of several staple food crops. In 1849 sixty per cent of the nation's corn crop

*Agricultural  
diversifica-  
tion*

<sup>1</sup> There were slaves in Illinois until the Civil War.

was grown south of the Mason and Dixon Line; a decade later, fifty-two per cent. It was the rare planter in the cotton belt who did not attempt to produce a sufficient amount of corn to supply the needs of his establishment. The Southern share of the national wheat crop in 1850 was about one-fourth. Virginia, Kentucky, and Tennessee were the principal producers of both wheat and corn.

Edmund  
Ruffin

The pioneering soil-improvement activities of Washington, Jefferson, and John Taylor of Caroline are well known. But it was Edmund Ruffin of the same state who performed the greatest service to agriculture in the ante-bellum South. Through his *Farmers Register*, founded in 1832, he waged a great scientific campaign for restoring fertility of the soil, and was instrumental in leading his state toward successful diversification of crops. Before 1860 far more progress in scientific farming and soil preservation had been made in Virginia than anywhere in the North. In 1854 the University of Georgia began a course in agriculture, an innovation which extended to other states. Peruvian guano, at \$50 a ton, was first imported at Baltimore in the early 'forties. Its use in a limited way spread through Maryland and Virginia, resulting sometimes in threefold productiveness of the soil; but in the Lower South it was only in the experimental stage before 1860.

Soil  
destruction

So in spite of agricultural journals, and local, state, and sectional societies, King Cotton's wasteful toll in soil fertility continued. Throughout the South worn lands were abandoned to the destruction of multiplying gullies, unless to meet the happier fate of conquest by "old field" pines, followed by the sturdier hickory and oak. Even the newest states felt the devastating effects. As early as 1830 a traveler in Mississippi (then a state for only thirteen years) wrote of lands which presented "a wild scene of frightful precipices, and yawning chasms," although but a few years earlier it had been "waving with dark green, snow-crested cotton." Twenty years later, Olmsted saw near Natchez "four or five large plantations, the hill-sides gullied like ice bergs, stables and negro quarters abandoned, and given up to decay." But it is too easy to blame slavery for such conditions. Actually, much of the soil destruction commonly attributed to the plantation system resulted from frontier conditions, climate, and heavy rainfall.

Northern farmers, with lands frost-locked several months of the year, enjoyed a distinct advantage.

Hardly more successful were Southern efforts to develop manufacturing. Most Southerners were so wedded to agriculture as to look with disfavor upon such ventures; moreover their capital was tied up in land and slaves. Creditable beginnings were made, however, in such primary industries as the milling of lumber, flour, and meal, in the refining of turpentine, and in tobacco. In the early 'forties the value of cotton manufactures reached \$4,000,000. A decade later the Saluda Mills at Columbia, with looms attended by slaves, was attracting wide enthusiasm—much of which soon waned because comparisons showed the superiority of white operatives. Lack of capital and poor machinery were not the only handicaps. Northern competition was hard to meet; low salaries failed to attract expert managers; and the shoddiest output of Northern factories was sometimes sent into the South bearing Southern labels. Nevertheless, in 1860 cotton manufacturing reached \$11,000,000, one-tenth of the value of the output of Northern mills. But all Southern manufacturers of every kind produced only about ten per cent of the nation's output.

*Manufacturing*

On the average plantation slaves fell about equally into two classes: field hands and domestics, the latter including the children and the aged. Household servants—particularly the butler, coachman, and cook—constituted the slave aristocracy. They were reasonably intelligent and trustworthy, considered themselves members of the family (sometimes literally true) which they might serve generation after generation, took great pride in the standing of their master's establishment, and looked with disdain upon mere field hands. On large plantations various skilled workers, such as carpenters, blacksmiths, wheelwrights, shoemakers, and brickmakers, complicated the dusky social scale.

*Plantation  
Negroes*

At the bottom were the field hands, a blend of many African tribes, ranging originally from dark brown to ebony. A CORMANTEE might be fierce, a FOULAH delicate, a GABOON weak and spiritless, and an EBOE so mournful as to commit suicide by swallowing his tongue. Most distinctive characteristics were soon lost in America. Field hands lived in quarters, received weekly rations of food, and worked in gangs under a white overseer who was the

*Field hands*



"buffer" between owner and slave. Upon the overseer depended the profitableness and morale of the slaves. Usually uneducated, and lacking the owner's concern for the well-being of his property, he might disrupt plantation life by excessive harshness, or demoralize his charges through fraternization, leaving behind him yellow souvenirs. The successful overseer was a prize of high value. Under the overseer was the black "slave-driver" who was chosen for the responsibility of seeing that the tasks of small gangs were completed. Although not necessarily cruel he was often more oppressive than the overseer.

*Slavery as a  
labor system*

The chief reason for owning slaves was to profit from their labor. Indeed slavery is to be understood only as a labor system—a system considered necessary because of the Negro's nature. There was little difference between conditions of labor on the plantation and in Northern factories except that the laborer was hired in one section and owned in the other. Masters were answer-

LIVE OAK AVENUE, NEGRO QUARTERS, DRAYTON'S HOUSE, HILTON HEAD, S. C., CA. 1862. FROM A PHOTOGRAPH BY H. P. MOORE

*Courtesy of the New-York Historical Society, New York City*



able to the state for any action against a slave not in keeping with the service he might be compelled to render. But this left wide discretion to the owner. Were field hands, therefore, inhumanly exploited as Northerners generally believed?

It was universally understood that slaves in the Old Southwest were forced to harder toil than those in other sections. The threat of being "sold down the river" had definite meaning. Human exploitation undoubtedly there was, but the bold assertion of Harriet Martineau that sugar planters customarily worked their slaves to death in five to seven years was abolitionist fiction. Actually, sugar planters often hired gangs of Irishmen for hazardous labor, such as ditching, rather than endanger the well-being of their valuable property. Throughout the plantation area work was usually from sun to sun, and was no heavier than that of farmer's sons or laborers in the North. From the standpoint of child labor, unhealthy surroundings, and insecurity for old age, factory conditions in the North were generally incomparably worse. The task system, which was most common along the Rice Coast, permitted the slave to have the portion of the day remaining after the customary "stint" was performed. Instances of great cruelty can be multiplied, but unbiased observers agreed that brutality was no more common in the Black Belt than among free laborers elsewhere; for every planter knew that contented slaves were the most profitable, and the best response resulted from the judicious granting of favors, such as additional molasses, presents, or an extra holiday. Nevertheless, whipping was common, sometimes so severe as to leave permanent marks.<sup>1</sup> Extreme cruelty represented an expensive indulgence. A considerable share of such examples should be classed as outrages of the sort that occasionally happen anywhere in any age.

*Labor and  
punishmen*

It was a rather common practice to permit slaves to raise pigs, poultry, garden truck, or cotton, and keep the proceeds.<sup>2</sup> Ordi-

<sup>1</sup> Specially designed "nigger whips" were for sale. Equipped with a "snapper" of soft leather, they could be made to produce a mighty noise with a minimum of damage to the victim. The results might well be salutary without impairing the worth of valuable property. It should be remembered that flogging was not abolished in the navy until 1850.

<sup>2</sup> Exceptional cases find a slave-miller who made between one and two hundred dollars a year milling on his own time and another making as much from a fruit nursery, and having \$1000 loaned to neighborhood planters.

narily, as a precautionary measure, the cotton would be of a different variety lest the master's cotton find its way into the bales of the slaves. Jefferson Davis, one of the kindest of masters, practiced profit-sharing with his Negroes and even permitted them to constitute juries for the trial of plantation offenses.

*Social  
aspects  
of slavery*

Attention to the social needs of the slave depended upon the planter. Because of the Negro's cheerful and gregarious nature there were certain aspects of plantation life which were not unpleasant even for field hands. Religion among the slaves was encouraged in various ways, and the same doctor who cared for the planter's family often ministered to his slaves. Slaves were expected to marry on the plantation. If not, one planter would commonly purchase the mate of his slave. Negro chastity was evidently rare, but stories of regulated slave-breeding must be heavily discounted if not ignored. Families were large—one woman had at least forty-one children—but the average was probably little if any higher than that for poor white families North or South. Although most slaves could never aspire to freedom, they manifestly did not miss what they had never experienced. Theirs was none of the responsibility for adequate food, clothing, and shelter, nor for the care of their children, nor for a home and medical care to the end of their days.

*Slave  
population*

By 1860 there were nearly four million slaves in the South, divided about equally between the old states and the new. In extensive areas they constituted less than one-tenth of the population, but in places along the Rice Coast and the Mississippi the ratio was as high as eighty or ninety per cent.<sup>1</sup> In Mississippi and South Carolina slaves outnumbered the white population, and they were hardly less numerous in Louisiana.

*The slave  
trade*

Perhaps the worst feature of slavery in the nineteenth century was the domestic trade in human chattels. The international slave trade was outlawed by the United States in 1808. Thereafter an indeterminate number of slaves were smuggled into the United States, but the illegal supply was so small as barely to phase the demands of the Lower South. Because economic hardship in the older states coincided with a remarkable expansion of plantation

<sup>1</sup> In Washington County, Mississippi, Negroes outnumbered whites 14 to 1. In three other counties the ratio was 10 or more to 1.

development in the new, it was inevitable that a flourishing domestic slave trade should arise. From about 1820—when Virginia, Maryland, and Kentucky first faced an embarrassing oversupply of slaves because of the natural increase—to 1860, probably 300,000 slaves were sold down South.<sup>1</sup> Many old planters became "slave poor" rather than sell any but the unruly; others, less squeamish, maintained themselves by regularly selling the surplus. When the price of prime field hands advanced beyond \$1000 in the Black Belt (in rare cases a slave might bring \$2500) enormous profits were possible for the low-grade slavers who engaged in the traffic. The kidnaping of free Negroes, the breaking of families, the herding of unhappy wretches along the roads in coffles, only to be sold on the auction block like cattle, were disgraceful aspects of a loathsome business.

A misfit in the social scheme, unwanted everywhere, were the free Negroes. Throughout the United States there were over 300,000 by 1830, over half of whom lived in the South. Thirty years later the number in the South had grown to 250,000 living mostly in the tobacco states. Manumission was rather common before the abolitionist crusade began, but declined thereafter. Many free Negroes were mulattoes who had escaped slavery through the indulgence of some white father. Until 1830 the free Negro in the South enjoyed fair treatment. He might engage in any kind of labor, own property, and in a few states exercise the right to vote. However, with the tightening of restrictions on Negroes generally as a consequence of the abolitionist movement, his position became progressively more difficult. He still enjoyed the right of trial by jury—a rather empty privilege when whites were involved—but in some states he was not permitted to reside. Often he had to post bond as a guarantee of good behavior and might even be remanded to slavery. Northern states did not welcome him. The territory of Iowa, for example, required every free Negro coming into the territory to post a bond in the sum of \$500.

In spite of restrictions imposed upon free Negroes by Southern

<sup>1</sup> It has been estimated that during the last decade preceding the war 230,000 were transported from the five older states into Georgia, Alabama, Florida, Mississippi, Louisiana, Arkansas, and Texas.

*Negro  
slaveholders*

states, so that favored slaves often looked down upon them, economic opportunities were generally better in the South than in the North. Actually, a large number of freedmen became slaveholders themselves, although most of their slaves were relatives so held because the laws forbade manumission without exile. In 1830 there were 3775 Negroes in the United States who owned a total of 12,907 slaves. Over 125 of these owners lived in the North. Several Negroes possessed a considerable amount of property. One Cyprien Richard, of Louisiana, bought ninety-one slaves and a plantation for one-fourth of a million dollars.

*Early  
antislavery  
movement*

Of all the humanitarian movements which characterized the second quarter of the nineteenth century none attained such magnitude or was so fateful in its consequences as that which sought the abolition of black human slavery. Colonial opposition to slavery bore no fruit until after the Declaration of Independence; the different attempts of legislatures to restrain the slave trade met the royal veto. In 1777 Vermont abolished the institution; other states followed until by 1804 all north of the Mason and Dixon Line were at least committed to gradual emancipation. There the progress was stayed, for the cotton gin already had started the revolution which in time was to range other states on the side of South Carolina and Georgia, the only two consistent champions of slavery from the beginning. The last victory of the early antislavery movement was the Congressional enactment of 1807 forbidding the foreign slave trade.

*Sentiment in  
Virginia*

In Virginia a pronounced antislavery sentiment long persisted, and strong voices were raised. Washington expressed the wish that emancipation might come in good time. "I can clearly foresee," he predicted, "that nothing but the rooting out of slavery can perpetuate the existence of our union by consolidating it in a common bond of principle." Jefferson labored to destroy the institution and, like Washington and many other Virginians, impaired his financial standing by kind indulgence toward his slaves.

As late as 1831-1832, the Virginia legislature long debated the question of emancipation before voting it down (67 to 60), chiefly because of the prohibitive cost. Compensation for the owners at no more than \$200 per slave would have required

\$94,000,000, a sum almost half as great as the total assessed value of real property in the state. In addition, many other millions would be necessary for colonization; for few Southerners were willing to see the slaves freed unless the colored population were removed from their midst. Such a solution Jefferson had advocated as early as 1784.

From its organization in the winter of 1816-1817, until 1840, the American Colonization Society strove to solve the problem by transporting free Negroes "back home" to Africa. The Society enjoyed the patronage of many prominent men. Bushrod Washington was its first president, and Henry Clay subsequently held the same position. Branches of the Society were established throughout the country.<sup>1</sup> The legislatures of Virginia and Maryland made appropriations, and contributions came in from individuals, churches, and Masonic lodges; but Congress refused to give its financial blessing. Agents secured permission from African chiefs to plant a colony. In 1820 eighty-six Negroes were taken to Africa, and two years later the Free Republic of Liberia was launched. During the 'twenties over 1000 Negroes were sent to their new home; but they proved poor pioneers in the land of their ancestors, seldom bestirring themselves except when wrangling. Most of them soon died. As a final solution for the race problem the plan was only a hopeful experiment, for even though about 1400 had been transported by 1831, the number was less than the natural increase in America every month. After 1830 the Society was attacked by extremists North and South, and its usefulness waned before the rising tide of abolition.

*American  
Coloniza-  
tion Society*

Although the embers of the Missouri conflict were capable of flaming anew, it appeared before 1830 that the movement against slavery as a moral wrong had spent its force both North and South. Profiting from Southern cotton, the industrial East was little disposed to criticize the system under which it was produced, nor did Middlewestern farmers object to a condition which enhanced the sale of salt pork, beef, and hay. Antislavery societies there were in abundance, particularly in the South, but they lacked vigor; the voices of most of Virginia's elder statesmen were

*A lull in  
slavery is*

<sup>1</sup> The Mississippi Colonization Society, organized in 1831 and affiliated with the American Colonization Society, raised about \$100,000 for the work.

silent; and Southern leadership had swung to the cotton belt where men were convinced that slavery was an economic necessity even if an evil. True, a few weak voices were agitating for freedom. Much the most important of these in the 'twenties was the tolerant and persuasive Benjamin Lundy.

Benjamin  
Lundy

As a young man, this New Jersey Quaker moved to Ohio where he made harness and organized an antislavery society. In 1819 he took a raftload of saddles to St. Louis. Returning bankrupt, because excitement over the admission of Missouri ruined business, he established the *Genius of Universal Emancipation* in 1821. As an advocate of the colonization of Negroes he made trips to Hayti, Texas, and Canada. In the course of his wanderings he met William Lloyd Garrison, who joined him in 1829 at Baltimore as associate editor. With his vitriolic pen Garrison involved Lundy in a law suit and got himself in jail for libel, only to be released after seven weeks through the intervention of Arthur Tappan. Burning with indignation, the young firebrand went to Boston, borrowed paper and type, and on a handpress issued the first number of the *Liberator*, January 1, 1831. On the first page Garrison proclaimed his unyielding purpose:

The  
"Liberator"

I shall strenuously contend for the immediate enfranchisement of our slave population. . . . I *will be* as harsh as truth, and as uncompromising as justice. On this subject, I do not wish to think, or speak, or write, with moderation. No! no! Tell a man whose house is on fire to give a moderate alarm; tell him to moderately rescue his wife from the hands of the ravisher; tell the mother to gradually extricate her babe from the fire into which it has fallen; —but urge me not to use moderation in a cause like the present. I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch—AND I WILL BE HEARD.

William  
Lloyd  
Garrison

Garrison was the product of a broken home. His father was a roving sailor who deserted his headstrong wife when the lad was three. At six the boy was practically an orphan, becoming in time a printer's apprentice with a robust desire to speak his mind. This most familiar of all abolitionists was a man of strangely contradictory qualities. He was sensitive yet denounced the South in vitriolic vituperation; courageous yet nonresistant; eager for justice yet extremely unjust in his attacks on the South.

As a crusader he had the dogmatism and narrow-mindedness which seem necessary for success. Slaveholders to him were murderers, thieves, and criminals, and slavery was a "damning crime" which must be eradicated immediately regardless of consequences, and without compensation or colonization.<sup>1</sup> Of Southern conditions, or the social and economic consequences of abolition, he knew little. His method was to rouse the public by keeping before it the most revolting aspects of slavery. This he did intemperately, regretting that the English language did not provide heavier epithets. Yet with all his vituperation there seems no question of his sincerity and devotion to a cause. Slavery was a sin; therefore it should be abolished. It was as simple as that. By way of furthering the cause he motivated the organization of the New England Anti-Slavery Society in 1832.

In its first year the *Liberator* secured only 50 white subscribers, and by 1833 less than 400. Many more Negroes were numbered, but they were not the abolitionists who counted. The circulation was never large; moreover the *Liberator* was but one of a hundred abolitionist papers established before the war. The fame of Garrison was made by Southerners who writhed and struck back under his attack—thus attracting the attention of the Northern press—rather than through the quality of his leadership or of organizing and administrative ability of which he had but little.<sup>2</sup> The early reaction even in Boston was strong opposition to his methods. Few there were who were not antagonized by the standing declaration in the *Liberator*, respecting the Union, "Your covenant with death shall be annulled and your agreement with hell shall not stand." Many broadcloth coats and clean shirts graced the mob that escorted Garrison through the streets of Boston with a rope around his neck.

Reaction  
to the  
"*Liberator*"

The legend that Garrison was the leader of the antislavery movement was created in 1833 when he returned from attending a slavery convention in England, where he was hailed as the am-

<sup>1</sup> This objective—immediate freedom without compensation to the owner or provision for colonization—was the distinguishing mark of an abolitionist as contrasted with a mere antislavery advocate.

<sup>2</sup> The legislature of Georgia placed a price of \$5000 on the head of Garrison. A vigilance committee of Columbia, South Carolina, offered a reward of \$1500 for the conviction of anyone caught distributing the *Liberator*.



*American  
Anti-Slavery  
Society*

bassador of American abolitionists.<sup>1</sup> Basking in reflected glory when the American Anti-Slavery Society was organized (1833), he was able to save his staggering *Liberator*. Above all else Garrison was a free-lance journalist, so violent as to antagonize his own followers; but it kept him in the public eye. His influence for good or ill was tremendous.

*Other  
prominent  
abolitionists*

The constructive work of furthering an organized campaign was being done by the merchant philanthropists, Arthur and Lewis Tappan of New York, and their associates.<sup>2</sup> Support of various kinds came from several localities. New York and Ohio were centers of abolitionist activity equally if not more important than New England. Gerrit Smith and William Jay, son of the first Chief Justice, gave of their wealth and time, and William E. Channing, Theodore Parker, and other influential ministers swung powerful moral influence to the crusade.<sup>3</sup> Wendell Phillips, member of an aristocratic Boston family, who gave up his law practice because he would not take an oath to uphold the Constitution, contributed surpassing oratory, Whittier became the "poet of abolition," Lowell finally threw his sharpened pen into the cause of freedom, and Theodore Weld combined self-effacing eloquence with religious consecration to his task. By many students Weld is considered more influential than Garrison himself. But no man was more prominently identified with every phase of the movement than the Southerner, James G. Birney. In Ohio, which became an important center of abolition, the Lane Semi-

<sup>1</sup> Great Britain at the time was approaching the end of a great campaign for freeing her slaves. There had been no slavery in England itself since 1772, when Judge Mansfield declared that any slave who landed in England could claim freedom. In 1833, by Act of Parliament, slavery was abolished throughout the empire. Owners were compensated by an appropriation of \$100,000,000. France set free her slaves in 1789.

<sup>2</sup> The Tappans became wealthy by honest business practices. Arthur, particularly, aided most of the reform movements of the day, such as temperance and the war on tobacco. He was president of the New York Magdalen Society, and first president of the American Anti-Slavery Society. He helped establish the Lane Theological Seminary and Oberlin College.

<sup>3</sup> Smith, who owned vast estates, was denounced for condemning 50,000 laborers to a "worse state of ignorance, degradation, misery, and vice, than any fifty thousand you could pick out in a Southern state," because he kept them off his lands. Because of the indictment he gave away about 200,000 acres. Smith's transformation from a poetic youth who played cards for stakes illustrates the true reformer. He abjured pepper and vinegar before he was thirty, then coffee, tea, flesh, and gravies, and finally butter.

nary debate (Cincinnati 1834) gave a tremendous impulse to abolitionism throughout the North and resulted in making Oberlin an important center of agitation thereafter, as well as the first American college to open its doors to Negroes.

The American Anti-Slavery Society rapidly developed into a powerful agency for wholesale propaganda. By 1840 it claimed 2000 auxiliary societies, representing between 150,000 and 200,000 members. It sent out scores of agents for the work of organizing new units and consolidating their activities, and through its orators and publications the public was kept acquainted with thousands of "Southern outrages"—some ancient, some real, and some imaginary.

*Abolitionist  
activity*

Until 1840 the antislavery movement was primarily one of moral reform; but in that year, partly because of the vagaries of Garrison, the Society split.<sup>1</sup> It was perhaps inevitable that so large an organization should turn to politics. The Liberty Party, with James G. Birney as presidential candidate, was organized in 1840.

*Liberty  
Party*

Birney was a Kentuckian who failed as a planter in Alabama because of inexperience, gambling, and luxurious living. Being interested in gradual emancipation, he began the publication of the *Philanthropist* at Danville, Kentucky. In 1835, having become an abolitionist, he sought in Cincinnati a more congenial atmosphere for his paper. Two years later he removed to New York as Secretary of the American Anti-Slavery Society. Birney's position is to be explained in terms of religious experience. The same is true for nearly all of the few Southerners who became abolitionists. Prize exhibits were the Grimké sisters, Angelina (who married Weld) and Sarah. They went to Philadelphia young, became devoted Quakers, and were advertised as having fled their home in the South in order "to escape the sound of the driver's lash and the shrieks of his tortured victims." Moncure Conway was a Virginia preacher before his experience in Harvard. Though he wished slavery destroyed he said that he had never seen a slave

*Southern  
abolitionist*

<sup>1</sup> After 1840 the Society represented only Garrison and his set, who were Christian anarchists. Garrison espoused nearly every fad that came along. One by one he denounced the churches that failed to show sufficient radicalism to satisfy him. The Methodist Church was "a cage of unclean birds and a synagog of Satan"; the Congregationalists and Presbyterians were no better. He renounced all allegiance to the United States.

disciplined more harshly than was the common practice with white children.

*"Underground Railroad"*

The abolitionists were not content with organization and propaganda alone. They engaged in a conspiracy of law evasion, and aided Negroes who crossed any portion of the Mason and Dixon Line to reach Canada by means of the "Underground Railroad." The number of slaves lucky or clever enough thus to attain their freedom was relatively small (possibly 2000 a year from 1830 to 1860); but it gave many a God-fearing abolitionist vicarious experience in practical accomplishment, and enraged Southern slaveholders.

*Petitions to Congress*

Another strategy was to petition Congress for prohibitive slave legislation. As early as 1831, in the House of Representatives, J. Q. Adams presented fifteen such petitions. Four years later a Quaker quarterly meeting petitioned the Senate to suppress slavery and the slave trade in the District of Columbia. To Northerners, particularly those newly introduced to slavery, the spectacle of the slave market and of human chattels shuffling in coffles through the streets of the Capital was a national disgrace. Becoming increasingly sensitive on the subject, Northern congressmen were willing to present abolitionist petitions and to encourage thereby a veritable flood of new ones. In 1836 Calhoun's attempt to exclude these petitions from the Senate failed, but the House adopted a "gag rule" (May 26, 1836) requiring all such petitions to be laid on the table without debate. By this action Southerners played directly into the hands of the abolitionists.

*J. Q. Adams*

Up rose J. Q. Adams, the venerable representative from Massachusetts, to begin the most famous battle of a long public career. Adams entered the struggle as a champion of constitutional liberties but under this cloak of thorough and unchallenged respectability quickly turned his campaign into a provocative fight for "universal emancipation," as he confided to his diary. By clever tactics and dogged perseverance the tough old Puritan clung to his purpose of keeping the issue before the House by provoking Southerners to the defense of slavery. Before 1840 he became so self-confident as to declare his intention of obeying the gag rule only when compelled by physical force. Encouraged by the attention their cause was receiving, the abolitionists yearly

swamped Congress with petitions—hundreds of thousands of them.<sup>1</sup> Finally, in 1844, because the abolitionists were keeping their cause before Congress and gaining in popularity, a majority of the House was won for the repeal of the obnoxious rule.<sup>2</sup> As a consequence of this struggle the abolitionist crusade attained national respectability, and many people who normally would not have been won to the support of abolition became converts.

In the 'thirties mob action in the North was often directed against the abolitionists. Garrison and Phillips were roughly handled, and Weld gained the reputation of being the most mobbed man in America. Sympathetic ministers even lost their pulpits. An attempt to establish a Negro college in New Haven was swamped by its citizens; in Illinois an abolitionist, Lovejoy, was mobbed and killed. But the continuous campaign of the abolitionists bore fruit. After 1840 Northern mobs turned from abolitionists to slave-catchers who came seeking runaway property. In 1854 it required an escort of 1100 soldiers and the expenditure of \$100,000 to return a Virginia slave from Boston.

*Changing  
Northern  
sentiment*

What of the South under the abolitionist assault? No matter what Southerners might think of the institution of slavery, they were quick to fly to its defense when subjected to an unreasoning attack. Similarly, many Americans today readily admit imperfections in our institutions of government but "see red" when Russian communists attempt to change them. The abolitionists were so intent on the righteousness of their cause that they failed to see that they were dealing with the proudest and most sensitive people in the world; still more important, they failed to understand that the fundamental cause for trouble over black men was not whether they should be enslaved, but whether the South with its many Africans should remain a "white man's country."

*Southern  
reaction to  
abolitionism*

No Southerner could forget the horrible slave insurrection in Santo Domingo (1789-1793) which totally destroyed white authority, and even made mulattoes slaves of the blacks. By 1806

*Fear of slave  
revolts*

<sup>1</sup> They included, in addition to the usual ones respecting the District of Columbia, the domestic slave trade, the abolition of slavery in the territories, and the refusal of admission to the Union of slave states.

<sup>2</sup> At no time did the South have enough votes to adopt or keep such a rule. Northern Democrats provided the needed extra votes. When their support faded before the rising tide of antislavery forces, the gag rule had to go.

nothing but blacks remained on the island. In the United States slave revolts were rare. The outstanding episode before 1831 was the abortive plot of Denmark Vesey, a Charleston free Negro, in the summer of 1822. Discovered just before the plot (to put city and country to fire and the sword) was ready for execution, Vesey and thirty-four others were condemned to death, and as many more deported. Then, on a Sunday night in August 1831, seven months after the appearance of the first number of the *Liberator*, Nat Turner, with half a dozen followers, killed the sleeping family of his master. Recruiting other Negroes, and fortified by brandy, the slaughter continued for a day and night, until the blood-crazed gang of about fifty was dispersed by armed citizens. Over sixty white people, mostly women and children, were butchered. Nat and about fifteen others were hanged.

Nat Turner

Nat was a Bible-reading preacher who saw signs in the heavens and had visions of serving his people by exterminating white civilization. Whether he had read abolitionist writings is not known,<sup>1</sup> but soon the abolitionists were blamed for the outrage. Southern feelings were not mollified when Garrison, in the *Liberator*, wished "success to all slave insurrections." Nearly all Southern states quickly reacted by greatly increasing the severity of slave codes, though after a time most of them were but slightly enforced.

Destruction  
of mails

In Congress, Southern members demanded laws prohibiting abolitionist writings. Most Northerners sympathized with them, but censorship of the press was not to be condoned in a free country; consequently, with the approval of Postmaster General Kendall, Southerners took the matter in their own hands, and destroyed abolitionist mail which was designed to incite the slaves to rebel and run away. Charleston took the lead. There, in 1835, indignant citizens enjoyed the public burning of a large quantity taken from the post office. This apparent violation of the constitutional guarantee of the freedom of the press was justified on the assumption that an official's first obligation is to the peace and safety of his community.

<sup>1</sup> In 1829-1830 a pamphlet, *Walker's Appeal*, written by a free Negro of Boston, advocated the overthrow of the whites as a religious duty. The pamphlet is known to have reached Virginia.

Whether because of the abolitionist attack, or because of an apparent increase in the profits of slavery, the termination of active Southern interest in manumission coincided with the abolitionist crusade. The last great Southern debate on the subject of emancipation occurred in Virginia in 1831-1832, just after Nat Turner's insurrection but before the *Liberator* was blamed for the tragedy. Coincident, also, was the general acceptance in the Lower South of the theory that slavery was a "positive good."<sup>1</sup> Previously, it was the exceptional voice that was raised in defense of slavery except as a necessary evil—an indispensable foundation for an economic system where white labor was insufficient and considered unadaptable.

*Opposition  
to manumis-  
sion*

Violence stimulated counter violence. Wendell Phillips proposed making the soil of Massachusetts so "hot that a slaveholder would sooner go down to his birthplace" in hell than come there. Senator Foote of Mississippi promised Senator Hale of New Hampshire that if the latter would come to his state he might expect to "grace one of the tallest trees of the forest, with a rope around his neck, with the approbation of every virtuous citizen." Garrison described the Union as "a covenant with death" and the Constitution as "an agreement with hell." Edmund Rhett declared that Southern people merely wished the opportunity of rearing their children for "some other purpose than to make them vulgar, fanatical, cheating Yankees." Shouted Phillips, "The South is one great brothel, where half a million women are flogged to prostitution." By comparison with many other statements of less well-known protagonists, such utterances are mild. No writers or speakers were more extreme than the ministerial George Bourne and Stephen S. Foster (not the musician), who unsparingly attacked the South, its churches, its morals, and its women. True, such men, like Garrison, were repudiated by many saner abolitionists. But it was the violent attacks which drew the hot fire of the South; consequently the influence and responsibility of the Garrisonian school was heavy.

*Violence of  
protagonists*

Jefferson Davis, in 1850, expressed the Southern position from

<sup>1</sup> The theory had been accepted in the tobacco colonies in the last half of the seventeenth century, also in the rice swamps of South Carolina and Georgia where whites sickened and died.

*Leaders in  
Southern  
defense*

the beginning of the controversy: "We of the South stand now, as we have always stood, upon the defensive. We raised not this question; but when raised, it is our duty to defend ourselves." A self-respecting people could not do otherwise. Defend herself she did, and at such lengths as to constitute an apologia for an institution which many Southerners actually believed to be morally wrong.

*Dew*

Outstanding in the development of the thesis that slavery was a positive good—the ideal relationship between the two races—were Calhoun, Thomas R. Dew, and William Harper. In 1832 Professor Dew of the College of William and Mary published a pamphlet in which he outlined the argument subsequently developed by others. Having studied in Germany, Dew was thoroughly convinced that social stratification, having existed from ancient times, was inevitable, and that slavery was morally right. That "the being of superior faculties and knowledge, and therefore of superior power, should control and dispose of those who are inferior," he contended, was "the order of nature and of God."

*Harper and  
Calhoun*

Chancellor Harper of South Carolina developed Dew's philosophy to its most extreme form, and Calhoun, the greatest and most sincere Southern leader of the time, openly announced his belief in the caste system. In 1837 he said that the continuance of existing relationships between the two races was "indispensable to the peace and happiness of both." The philosophy of Jefferson and the elder Virginia statesmen had given way to that of the Lower South; the passing of Old Virginia's spiritual leadership was an inestimable loss to the nation.

*Slavery and  
the churches*

After 1830 so large a share of Southern political and literary activity was devoted to the defense of slavery as to produce a stultifying effect upon freedom of opinion. Even the churches, actively or passively, supported slavery. The Episcopal Church was traditionally the church of the aristocracy, and until the Civil War claimed men of prominence out of proportion to its membership. But, like the Catholic Church, it remained neutral on the slavery question, and partly for that reason stationary in membership. Much stronger was the Presbyterian Church which became a powerful bulwark of slavery after many small farmers, who con-

stituted its early membership, became planters. It was the Presbyterians who drove the liberal President Holley from Transylvania and dismissed the venerable President Cooper from the University of South Carolina for his "shameful atheism." Before 1860 the vast majority of Southern church members were "shouting" Methodists and Baptists—the evangelical churches of the poor people. The Southern wings of both denominations defended slavery, and for this reason both national organizations split. The Methodists led the way (1844) when Bishop Andrew of Georgia refused to emancipate slaves owned by his wife.<sup>1</sup>

The proslavery argument overlooked nothing in its defense of the South's "peculiar institution." Slavery, it was contended, had existed from time immemorial; it was sanctioned by the Old Testament patriarchs, by the Mosaic law, and by Christ himself; therefore it was ordained of God. Furthermore, Negroes rescued from the darkest heathendom of Africa were brought within the pale of Christianity with its promise of eternal bliss. Southerners were sincerely religious, and thus to have both ministers and the Scriptures on the side of slavery was a mighty influence.

*The  
proslavery  
argument*

*Religious*

Supplementing the scriptural defense was the economic justification. Slave labor, it was thought, was the only practicable kind for plantations of the Lower South where white labor commonly could not be secured, and where free blacks were considered "the most worthless and indolent of citizens." The decline in the productiveness of Hayti after emancipation was cited as proof that the Negro was economically unfit for freedom. The monetary cost of emancipation presented a staggering obstacle. The amount of capital invested in slaves in the Lower South was greater than the value of all land and improvements, and adequate compensation, therefore, seemed chimerical. Anyway, it was contended, to free the Negroes would mean the ruin of the planters; for the freedmen would be "worthless to themselves and a nuisance to society."

*Economic*

A vast majority of Southerners were not owners of slaves, it is true, and were less moved by economic arguments than were the

*Social*

<sup>1</sup> Andrew offered to resign his office in order to satisfy Northern objections, but Southerners were unwilling that he should do so, inasmuch as they thought the church should minister to slaveholders as well as others.



planters. Most convincing to Southerners generally, therefore, was the social justification. Although it was believed that the Negro belonged to an inferior race, arguments defending the viewpoint were not used by Southern writers until after 1831. Doctors made scientific studies to prove anatomical differences between the races. The texture and color of the skin, the difference in the hair, and even bodily odors were urged as proof of the hypothesis that the white man was a superior being. It followed, therefore, that slavery under a patriarchal system which cared for the children and the aged as well as the strong represented the best relationship between the two races. The lot of the Southern slave—housed and fed in lean years as well as prosperous ones—was favorably compared with that of industrial workers who lived in wretched conditions, only to be discharged when old or when business slackened.

Three-quarters of a century after the Civil War it is not hard to believe that if slavery in the South was not a perfect condition for Negroes it was infinitely better than the savagery of slavery in Africa. There is much to be said for the institution as a status of transition from barbarism to civilization. Sir Charles Lyell was convinced that only through slavery could Negroes be civilized. To Southerners it was gratifying to find outsiders who agreed with them. After all, slavery had been fastened upon the South generations earlier, and Yankees had taken their profits when it was done. But the fundamental reason why Southerners—planters, nonslaveholders, all—united in defending slavery was their determination that the South should remain a “white man’s country.” In a considerable portion of the South the races were numerically almost balanced. As previously noted, in South Carolina and Mississippi the Negroes were in the majority.<sup>1</sup> The consequences of freeing such a mass of people, many of whom were not far removed from barbarism, represented a problem which the South refused to face. The shambles of Hayti when slaves got out of hand could not be forgotten.

That most abolitionists were sincere, few will deny. Their

<sup>1</sup> In Washington County, Mississippi, the Negroes constituted ninety-three per cent of the population. Near Charleston, South Carolina, it was eighty-eight per cent.

self-sacrificing devotion to a great humanitarian cause is unquestioned; their courage stands without saying. But they failed to see, or if seeing ignored, the fact that the Negro question lay far deeper than the slavery question. Moreover, they antagonized a proud people who insisted upon solving its own problem in its own way. And so the abolitionists provoked the South to the defense of an institution which benefited, at most, only a small portion of the population. The result was self-conscious Southern unity which yielded nothing to the abolitionist attack, and thus made possible an awful and useless war—useless because slavery must have disappeared anyway, and without much of the bitterness which has characterized race relations since the Civil War.

## Chapter Thirty-Five

### DEPRESSION, POLITICS, AND DIPLOMACY

*Election of  
1836*

MARTIN VAN BUREN became President because Jackson willed it. As the election of 1836 approached, the Whigs, as the opponents of Jackson began calling themselves in the early 'thirties, were agreed on one thing only: they must put an end to the dynasty of "King Andrew I." The strongest group in this heterogeneous aggregation was the National Republicans—the followers of Clay, Adams, and Webster, who supported high tariff and the Bank. Other prominent factions were the Anti-Masons and determined states-rights Southerners. Lacking unity, the Whigs dared not risk a convention. Instead, they supported various favorite sons—Webster, William H. Harrison of Ohio, Hugh L. White of Tennessee, and Willie P. Mangum of North Carolina—hoping that the election might be thrown into the House of Representatives. But Jackson's popularity, linked with the country's prosperity, proved a winning combination. Van Buren received 170 electoral votes against 124 for all his opponents.<sup>1</sup>

*Martin  
Van Buren*

Van Buren was of Dutch descent, the son of a poor farmer and tavern keeper of Kinderhook, New York. His formal education was meager but he became adept in the use of English, and in time an excellent lawyer. His insignificant physique and reddish-yellow hair were offset by friendliness, generosity, and unfailing tact and good temper. Industrious, suave, ingratiating, he early won a reputation for successful political organization as his nicknames suggest—the "Flying Dutchman," "Little Magician," and "Red Fox of Kinderhook." His wife died in 1819. He never remarried. Like the Virgin Queen of England, his political interests

<sup>1</sup> Van Buren's running mate, Richard M. Johnson, the reputed slayer of Tecumseh, failed to receive a majority of the electoral votes; so for the first and only time in history the vice-presidency was decided in the Senate. Johnson was chosen.

seemed to be served best by a state of single blessedness. Van Buren's career illustrates most admirably the possibilities of mediocrity.

It was Van Buren's announced intention "to tread generally in the footsteps of General Jackson."<sup>1</sup> Unfortunately he did not possess seven-league boots. In the first place he did not have the dominant will of Jackson to hold the party together; then, worst of all, he had to face a major depression which began soon after he took office.

The Panic of 1837 resulted from overexpansion coupled with an orgy of speculation. An important factor in producing this unbalanced economic life was the well-nigh unrestricted banking of the time—a condition encouraged by Jackson's war on the United States Bank. Such restraints as the United States Bank had been able to impose were removed when federal deposits were placed in "pet" banks. There were eighty-nine of these favored banks in 1836, holding nearly \$50,000,000 of federal deposits, which were looked upon as permanent loans without interest and which might be loaned in turn to their customers on easy terms.

*Background  
for Panic of  
1837*

The number of state banks increased from 329 in 1829 to 788 in 1837. More significantly, their note circulation more than trebled.<sup>2</sup> Many of the new banks, particularly in the West, operated on an utterly inadequate capitalization and specie reserve. In some cases it consisted of promissory notes of the stockholders; in others of specie which was exhibited for a short period then passed on to another bank to serve a similar purpose.<sup>3</sup> All issued bank notes so freely that the *per capita* circulation increased from \$6.69 in 1830 to double that amount in 1837. Augmenting the easy credit supplied by the banks were large investments of foreign capital. Americans were buying much more than they sold in Europe.

*Unsound  
banking*

<sup>1</sup> Van Buren's desire to continue Jackson's policies extended even to the retention of his inconspicuous cabinet, excepting the Secretary of War. Poinsett was the new appointee.

	Banks		Capital		Loans		Note Circulation	
	number	increase (per cent)	amount (dollars)	increase (per cent)	amount (dollars)	increase (per cent)	amount (dollars)	increase (per cent)
1829	329		110,200,000		137,000,000		48,200,000	
1834	506	54	200,000,000	81	324,100,000	137	94,800,000	97
1837	788	56	290,800,000	45	527,100,000	62	149,200,000	57

<sup>2</sup> One bank terminated its career in chancery with \$86.46 in specie with which to redeem \$580,000 paper bills in circulation.

The balance against the United States in the year 1836 was \$61,000,000. For the seven-year period preceding the panic the balance owed to British citizens alone was \$140,000,000. During the same period imports of specie exceeded exports by \$45,000,000. These sums represented foreign investments in American speculation. At last the country, particularly the West, had the easy credit it craved.

*Land  
speculation*

The most common outlet for speculative zeal, and that which most directly concerned the government, was the public lands. A great westward movement—the Jacksonian migration—speeded the process. In 1834 the Federal Government sold four million acres; in 1835, fifteen; in 1836, twenty. Such a volume of sales was all out of proportion to settlement and represented wild borrowing for purposes of speculation. There seemed hardly any limit to the possibilities for wealth. Towns were laid out and lots sold where wild animals were the only inhabitants. The fever spread through the nation. In the East real estate values soared upward. A new extravagance in living accompanied rising prices, and the newly rich established a tone of vulgar display in society. Encouraged by a rise in the price of cotton, many Southern planters bought heavily on credit, gambling on the future to pay for increased holdings of lands and slaves.

*Internal  
improve-  
ments*

Closely associated with real estate development was the attractive field of transportation. Here a new avenue for speculation had opened up because the states at last were going into the business of constructing the roads and canals which the people demanded, but which the national government would not supply. The success of the Erie Canal proved a great incentive. The Western states caught fire, and authorized roads, canals, and railways with the prodigality of a dying philanthropist.

*Indifference  
of Congress*

The situation presented grave dangers to the government as well as the nation. Congress was tempted to extravagance, and the ever-increasing federal deposits in pet banks encouraged still wilder speculation. But most members of Congress were unwilling to apply the brakes even though they recognized the need. Jackson was determined that something be done, and Benton among others gave him support. In 1834, in an effort to force more gold and silver into circulation, the legal ratio between

gold and silver was established at sixteen to one, and in the next three years over \$10,000,000 in gold was coined.<sup>1</sup> At the new ratio silver was driven from circulation; but in spite of Democratic efforts "Benton's mint drops," as the gold coins were dubbed, were not popular. Too many people had too much at stake in paper. The net result was a new name for Benton, "Old Bullion," and continued embarrassment for the Treasury in the form of a rapidly mounting surplus. The chief source of revenue was public land sales. For ten years before 1835 the average was \$2,363,000. In 1836 it was \$24,877,000. Other revenues brought the Treasury surplus for the year to well above \$50,000,000.

How remedy the awkward situation? The national debt was paid in full by January 1835. The Compromise tariff of 1833 represented a bargain which would last until 1842, and could not be changed without a breach of faith. Congress' solution for the problem was the Distribution Act of June 23, 1836. It provided for the "loaning" to the states, on the basis of representation in Congress, the surplus in the Treasury on January 1, 1837, in four quarterly installments.<sup>2</sup> It was expected that the amount for distribution would be about \$40,000,000, but the intervening panic stopped the process when \$28,000,000 had been turned over to the states. The states used the money in various ways. One made a *per capita* distribution. Some established school funds, but the majority turned it into internal improvements. The result of distribution was to stimulate speculation and weaken the "pet" banks on the eve of an economic crisis. For the pet banks were forced to make painful curtailments in order to meet the government's drafts upon them.<sup>3</sup>

Meanwhile Jackson had done his bit. On July 11, 1836, after Congress had recessed without taking any measure to curb land speculation, Jackson issued an order to public land agents forbidding the receipt of anything except gold or silver in payment

<sup>1</sup> It will be remembered that early in Washington's administration the ratio was fixed at fifteen to one. Gold being undervalued at that ratio, very little was presented at the mint for coinage.

<sup>2</sup> It was a "loan" without security or interest. Everyone understood that it was a gift; but the amount distributed is still carried against the states on the books of the Treasury.

<sup>3</sup> The Federal Government never recovered \$50,000 of its deposits with pet banks.

*Distribution  
Act, 1836*

*The "specie  
circular"*

for land.<sup>1</sup> As a means for checking speculation this "specie circular" was highly effective; but the results were hardly more satisfactory than those attending the conjunction of speeding car and telephone pole. Banks could not stand the increased demand for specie, so in May 1837 by prearrangement those in New York suspended, followed soon by all others in the country.

*International  
economic  
collapse*

The "specie circular" and Distribution Act merely precipitated a crash which was inevitable, and which was but one phase of an international economic collapse. American business had been a bit unstable since 1833 when it had sustained the shock of "Biddle's panic." Jackson's financial policies did not help matters. In 1835 the partial crop failure caused by the Hessian fly increased importations of grain.<sup>2</sup> Late in 1836 the failure of some important English business houses with heavy American investments caused them to make demands on America. Already alarmed, European bankers made demands on England. Unable to collect the debts owed to them, English exporters brought bankers and manufacturers in turn into bankruptcy. English firms stopped buying cotton, causing the failure of some large New Orleans firms in March 1837. The price of cotton dropped by half, and Southern planters were ruined. A crop failure in 1837 had the same effect on farmers.

Thus unnatural prosperity turned to deep depression. Business and manufacturing were generally suspended; over 600 banks failed; thousands were ruined, and other thousands went begging for employment which was not to be had. In the cities bread riots added a sinister note. Farmers were lucky to retain their farms. Many Southerners deserted their plantations and went to Texas in order to avoid execution sales.<sup>3</sup>

It required about five years for the American people to pay the fiddler for their wild financial fling. About a dozen states defaulted on interest payments. Some of them finally gave up the struggle and repudiated their debts, though all but two afterwards

<sup>1</sup> There were some minor exceptions. One permitted the purchase with paper until December 15, 1836, of 320 acres by *bona fide* resident settlers.

<sup>2</sup> During the decade of the 'thirties the United States imported five and a half million bushels of wheat.

<sup>3</sup> It became rather common in parts of the South for sheriffs to endorse fruitless writs, "G.T."—gone to Texas.

paid in whole or in part. The effect on American credit in Europe, where large amounts of states' securities were held, was bad and long-lasting.

Responding to the popular demand for federal action, Van Buren called a special session of Congress which met on September 4, 1837. In order to meet current expenses an issuance of \$10,000,000 in treasury notes was authorized; then Congress settled down to debate the President's plan for placing all federal funds in an "independent treasury" at Washington and "sub-treasuries" in certain large cities, where neither the money power nor wild-cat banks could get at them. Because the measure was designed to separate public and private business, the Whigs dubbed it the "Divorce Bill." Clay, Webster, and Adams waxed eloquent in their opposition. The destruction of the Bank caused the panic, they insisted, therefore the remedy was the establishment of a new one. Opposition to the administrative measure was strong enough to prevent its passage until 1840, when with the powerful support of Calhoun it became law.<sup>1</sup>

*Independent  
Treasury  
Act, 1840*

The withdrawal of the Federal Government from the field had left the states more independent in banking than ever before. In 1837 the Supreme Court (*Briscoe vs. The Bank of Kentucky*) confirmed the right of state-owned banks to issue paper money even though the state itself might not constitutionally "emit bills of credit." Slowly, and with several disastrous experiments with such banks, the states adopted safer banking laws. For many years Massachusetts had had a sound banking system. New York, in 1829, established a safety fund which was strengthened as a result of the Panic of 1837. About a dozen states fell into line before the Civil War. In 1834 Indiana founded a sound state bank with several of the features of the Federal Reserve System of 1914. In 1842 Louisiana inaugurated a system under which, among other advanced safety requirements, a minimum percentage of specie

*State  
banking*

<sup>1</sup> The Democrats were divided. Many of those who supported the bill called themselves antimonopolists, but were generally known as "Locofocos." This strange nickname was given by the conservative Democrats of New York who, in a party caucus, turned out the lights to prevent a radical victory. But the radicals turned the tables by producing the new matches (locofocos) and candles.

In 1841 the Whigs repealed the Independent Treasury Act, but in 1845 it was reenacted. It was superseded in 1914 by the Federal Reserve System.



reserve for liabilities was enforced. The plan proved so successful that New Orleans suffered less than any other city in the United States from the Panic of 1857.

*Activity of  
the Whigs*

For the Whig party the depression had a lining of silver. Confidently they looked forward to 1840, the while they blamed Van Buren and the Democrats for hard times. The Whigs were the party of property and conservatism, but they were far from being united. Most of the great slaveholders were Whigs. If cotton planters, they opposed protection; if sugar growers of Louisiana they favored it. South Carolina, following Calhoun, deserted the Democratic party but refused to go Whig because of the opposition to slavery on the part of Northern Whigs who took their cue from Adams. In the North those who espoused old Federalist principles found leadership under Webster. In the West it was Clay, the old champion of the Bank and the American System. Either Clay or Webster was the logical presidential choice, and Clay felt confident of nomination. But he had made many enemies. Moreover the West—stronghold of the Democrats and of Jackson who was still living—must be won. So through the clever manipulation of Thurlow Weed, a tricky New York politician of Anti-Masonic background, the Whigs united sufficiently to choose a popular Western hero, William Henry Harrison, though they wisely refrained from attempting a platform. For the first time an American political party had nominated a candidate because of his "availability." In order to catch states-rights Southerners, John Tyler of Virginia was chosen as running mate for the "Hero of Tippecanoe."

*Campaign of  
1840*

The resulting campaign was one of noise and jollity rather than reason. The Whigs had the initial advantage of being able to blame Van Buren and the Democrats for the panic, and they were able to conceal their own differences under a barrage of circus tactics—processions, banners, and buffoonery—capitalizing on the fact that many people are unable to think for themselves in an election year or else can not be bothered to do so. Nevertheless, behind the noise and paraphernalia of log cabins, cider, and coon skins—all designed to catch the "common man"—there was an abundance of sound discussion of the main issues. In the newspapers in particular the whole subject of finance—banks both national and state, the various monetary measures of Jackson.

inflation and the rest—was given such an airing as only heavy depression years could produce.

The unfortunate sneer in a Democratic newspaper to the effect that if Harrison were given a pension and a barrel of hard cider he would retire to his log cabin and think no more of the presidency proved a mighty boomerang.<sup>1</sup> Harrison became the "log-cabin candidate" with simple hard-cider tastes as contrasted with Van Buren who was pictured as a corseted dandy with perfumed whiskers, drinking champagne and eating French food from silver plates with gold forks. It was a campaign of doggerel set to music. To the refrain of "Tippecanoe and Tyler too" the populace sang that "Van is a used-up man," as indeed he was. Harrison and Tyler were victorious by an electoral vote of 234 to 60.

On March 4, 1841, with head bared to a chilling wind, the honest, sixty-eight-year-old soldier read his hour-and-a-half address. It was an inauspicious beginning for a month of bewildered efforts to steer an honorable and democratic course. Clay and Webster expected to dominate the administration. Webster headed the cabinet which Clay would not grace because he preferred to direct legislation from his seat in the Senate. Eager to inaugurate his legislative program, Clay prevailed upon the President to call an extra session of Congress for May 31.

*William  
Henry  
Harrison*

Meanwhile Harrison struggled with a larger horde of office-seekers than had badgered Jackson in 1829. If the civil service under Van Buren was half as corrupt as the Whigs declared, a housecleaning was in order.<sup>2</sup> And so in spite of his expressed

<sup>1</sup> Harrison's residence was actually a rather imposing one for the time and place, though a small portion was constructed of logs.

So popular became the idea of a log-cabin birth that Webster publicly apologized for not having had the honor, and announced his readiness to engage in a fist-fight with anyone who called him an aristocrat. Forty years later a presidential candidate asked the people not to hold the same misfortune against him inasmuch as he had had nothing to do with the circumstances of his birth.

<sup>2</sup> Jesse Hoyt, Van Buren's appointee for collector of customs in New York City, proved guilty of amazing irregularities, though he did not do so badly as his predecessor, Samuel Swartwout, who was appointed by Jackson. Swartwout's accounts showed a \$1,250,000 shortage. For years "swartwout" was a malodorous verb in American usage.

Nearly all government land officers had used public funds for speculation. Caught short by the panic, they could not repay; nevertheless many of them were allowed to keep their posts on the assumption that their intentions were honest. About \$750,000 was never recovered.

opposition to the spoils system the harassed President allowed hungry Whigs to exhaust his strength by their importunities. The cold he contracted at the time of inauguration turned into pneumonia. On April 4 he was dead. Jackson, who had been swept into the White House by the same sort of popular uprising, could write, "A kind and overruling providence has interfered to prolong our glorious Union." He was relying upon Tyler to stop the "corruptions of this clique who has got into power by deluding the people by the grossest of slanders . . . and hard cider."

*John Tyler* For the first time a man chosen as Vice-President succeeded to the presidency. Knowing Tyler's record for independent action, some of the Whig leaders made an unsuccessful attempt to limit his exercise of presidential powers; but with finality Tyler quickly settled the matter. More excitement was in store for Capitol Hill.

Tyler was a polished and talented member of a proud and well-established Virginia family. During an extended public career he never deviated from his principles regardless of political considerations. Once he resigned from the Senate rather than vote as his legislature directed. He was a states rights man of the Jeffersonian tradition. He did not believe in nullification, but cast the only Senate vote against the Force Bill. After he had wrecked the Whig program of legislation by means of the presidential veto he was denounced as a traitor to the party; but his constitutional views were well known when he was elected. He simply stuck to his guns, and refused to do anything for the sake of political expediency. Although his motives were pure, he was lacking in sympathy for the opinions of others. Few Presidents have been so sure that their viewpoints were sounder than those of a majority of both houses of Congress.

*The Whig program* When Congress convened on May 31 it was Tyler rather than Harrison whom the Whigs must face, but Clay was optimistic about his program: first, the repeal of the Independent Treasury Act and the establishment of a new national bank; and second, the full establishment of the American System by the enactment of a new tariff and by providing federal aid for internal improvements through the distribution to the states of proceeds from the sale of

public lands. In August, Tyler signed a bill abolishing the subtreasury system, but vetoed another for the establishment of a "Fiscal Bank" which in fact would have been a new United States Bank.<sup>1</sup> Negotiations with the cabinet resulted in a second bill (for a "Fiscal Corporation") which Tyler did not see but which it was understood he would approve. Actually, he made clear his opposition to the bill before it passed the House. This one, also, he refused to sign, nor could his veto be overridden. Whereupon the Whigs formally repudiated their President and all his works, and read him out of the party.<sup>2</sup> Two days earlier, possibly at Clay's behest, all cabinet members except Webster had resigned. Webster was tired of being dominated by Clay and, moreover, was conducting important negotiations with Great Britain which he wished to complete.

*The Bank bills*

Clay was hardly more successful with the remainder of his program. A distribution bill became law only by conceding the demands of Southern members of Congress—those enemies of the tariff who insisted that distribution should lapse if duties were raised above the twenty per cent maximum which would obtain in 1842 under the terms of the Compromise tariff of 1833—and of Westerners who demanded a general preemption law. The Distribution-Preemption Act of September 4, 1841, was the result.<sup>3</sup>

*Preemption Act, 1841*

The next problem was the tariff. Because prosperity had not yet returned, the government was threatened with a serious deficit. For this reason even Tyler approved higher rates. But Clay was not satisfied merely to increase tariff duties—he hoped to repeal at the same time the limitation on distribution. How-

*Tariff Act, 1842*

<sup>1</sup> Tyler had made it clear from the beginning that he would not approve a bill which permitted a Bank to establish branches in the states without their previous consent. This objection the bill did not meet. Clay was so sure of his power that he said of Tyler, "I'll drive him before me." The Kentuckian was destined to receive enlightenment.

Opposition to Tyler finally became so strong that on January 11, 1843, for the first time in our history, a formal attempt was made in the House to impeach a President. J. Q. Adams was among those who voted in favor of the resolution to impeach. It failed 83 to 127.

<sup>2</sup> So unpopular did he become that an epidemic of influenza which swept the country was called "Tyler Grippe." In Whig papers he was usually called "His Accidency."

<sup>3</sup> Thereafter for fifty years the first squatter on surveyed land might buy 160 acres at \$1.25 per acre before anyone else was given the right of bidding at auction. See Chapter XXX.

ever, after the President had twice vetoed bills containing this feature, the Whigs gave up the struggle and passed a tariff measure (August 1842) restoring the rates to the general level of 1832. Beaten, ill, and discouraged, Clay already had resigned from the Senate. He delivered a touching farewell address (March 31, 1842) and went home to await the call of the people to the presidency.

*Foreign  
affairs*

Although the Whigs repudiated their President, Tyler's administration achieved two outstanding successes in foreign affairs—the Webster-Ashburton treaty and the annexation of Texas—besides establishing diplomatic relations with China.

*China*

From the earliest days of national independence American vessels, absolutely without naval protection, had carried on such trade with China as mutual respect and interest would permit. But when Great Britain was waging the "Opium War" on China (1839-1842), alarm was felt at Washington lest the former secure territorial concessions excluding American trade. To guard against this danger a special mission headed by Caleb Cushing was sent out in 1843. The next year he was able to sign a treaty with a minister of the Chinese Emperor, giving to the United States every right which Great Britain had wrung from China by war.

*Bad relations  
with England*

Following the "Friendly Conventions" of Castlereagh's day, difficulties with Great Britain had accumulated until by 1840 it appeared that the talk of war might be translated into action. One provocative cause for British anger was the heavy financial losses resulting from the failure in the Panic of 1837 of many American corporations whose securities had been floated in England. The western tour of Charles Dickens in 1842 and his severe strictures on the American character (not to mention their tobacco-spitting proclivities) are to be understood in terms of his lost investments in a western land and canal company. Worse still, as a cause for bad feeling, was the suspension of interest payments, if not outright repudiation, by a large number of states.<sup>1</sup> The ill will

<sup>1</sup> As late as 1847 eight states—Maryland, Illinois, Indiana, Michigan, Mississippi, Louisiana, Arkansas, and Florida—were delinquent on interest payments. Pennsylvania defaulted for a short time. Michigan and Mississippi repudiated a portion of their bonds. The remainder, excepting Arkansas and Florida, eventually made full settlement.

produced by this regrettable situation was measurably augmented by several other conflicting interests: the long-standing disagreement over the northeastern boundary, the Oregon question, the refusal of the United States to admit the right of "visit" for the suppression of the foreign slave trade, and British interests in Texas.

Against such a background of unfriendliness the Canadian insurrections of 1837 were interposed with explosive possibilities. In 1791 Lower and Upper Canada (Quebec and Ontario) had been given a form of government like that of an American royal colony preceding the War for Independence. In the course of time the arrangement proved so unsatisfactory to a considerable portion of the population that rebellion flared out in both provinces.<sup>1</sup> To most Americans the action was but a counterpart to their own Revolution, so sympathy ran high. Thousands joined "Hunter's Lodges" along the border for the purpose of aiding the insurgents to drive British control from Canada. In several communities volunteer companies were organized, and ammunition, provisions, and money were collected.

*Canadian  
insurrections*

For over a year Van Buren was unable to enforce neutrality; consequently William L. Mackenzie, insurrectionist leader in Upper Canada, actually made his headquarters at Buffalo and recruited two or three hundred Americans. With his followers he then established himself at Navy Island on the Canadian side of the Niagara River. Supplies were furnished by the American steamship *Caroline*. On the night of December 29, 1837, a small detachment of Canadian volunteers made the dangerous crossing to the American side, seized the *Caroline*, and sent her to the bottom in the rapids above the falls. In the encounter one American was killed.

*The Caroline*

The United States soon demanded reparations for this viola-

<sup>1</sup> In consequence of the insurrections Lord Durham headed a commission sent to Canada for investigating the difficulty. Durham recommended self-government in all colonial matters.

In 1840, by act of Parliament, Great Britain took the first step toward establishing ministerial responsibility in Canada. The same principle in government was extended to Australia, New Zealand, and South Africa with the result that all these colonies were saved for the British empire. Would the thirteen colonies be today a member of the British Commonwealth of Nations had Great Britain learned her lesson before 1775?

*The McLeod  
affair*

tion of her sovereignty, but Lord Palmerston had given no satisfaction when, in 1840, a Canadian named McLeod drunkenly boasted in a New York tavern that he had killed the American in the *Caroline* affray. He was promptly seized and soon indicted for murder. Palmerston then declared that the attack on the *Caroline* had been made under orders as a necessary means of protection from "British rebels and American pirates," and demanded the release of McLeod as a soldier who should not be held personally accountable for his actions in line of duty. Webster agreed, but could not secure the release of McLeod inasmuch as he was under the jurisdiction of the courts of a state. War feeling mounted in both countries. Palmerston told the American minister that the conviction and execution of McLeod would mean war. The case was terminated (October 1841) when a jury acquitted the defendant on an alibi. That such difficulties might be avoided in the future, Congress on Webster's advice enacted a law (1842) for the transfer of such cases to the national courts.

*Ashburton to  
America*

Fortunately for the settlement of this affair as well as of some other disputes, there had occurred in 1841 a change of government in both countries. Webster became Secretary of State, and the jingoistic Palmerston gave way to Sir Robert Peel and Lord Aberdeen.<sup>1</sup> One of the first acts of the new British ministry was to send Lord Ashburton to America with instructions to adjust the outstanding difficulties between the two countries. The choice was a happy one. Ashburton was favorably known to Americans, his wife was an American, and, like Webster and Tyler, he was eager for a peaceable settlement. The negotiations were conducted informally for the most part, and in a spirit of mutual friendliness and respect. Tyler played an important role throughout.

*Adjustment  
of Caroline  
affair*

The *Caroline* affair was adjusted by an exchange of notes. Ashburton contended that *necessity* justified the invasion of American territory. Webster admitted the principle—in view of Jackson's invasion of Florida in 1818 he could hardly do other-

<sup>1</sup> The liberal-minded Peel is best known in America for the repeal of the English corn laws, and for organization of the London police ("Bobbies"). In Ireland his nickname was "Orange Peel."

wise, although the United States could plead justification under the Spanish treaty of 1795—but denied the necessity. Ashburton then expressed regret that “some explanation and apology” had not been made at the time. This Webster accepted as a sufficient apology, and the incident was permanently closed.

Much more pressing was the boundary dispute. The treaty of 1783 (Article II) defined a boundary that should run from the mouth of the St. Croix River “in the Bay of Fundy” to its source, then due north to the “Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean.” Which river was the St. Croix; was the Bay of Fundy a part of the Atlantic Ocean; which range of hills was the “highlands”? Because the American interpretation would run the boundary close to the St. Lawrence and cut off the natural land route between New Brunswick and Quebec, the British insisted upon an interpretation which would give them the entire valley of the St. John. Boundary commissions set up under Jay’s treaty (Article V) and the Treaty of Ghent (Article V) hardly made a beginning toward a complete settlement. In 1827 the question was submitted to the King of the Netherlands. His award—an arbitrary division of the disputed territory—was unacceptable to the United States.

*Boundary difficulties*

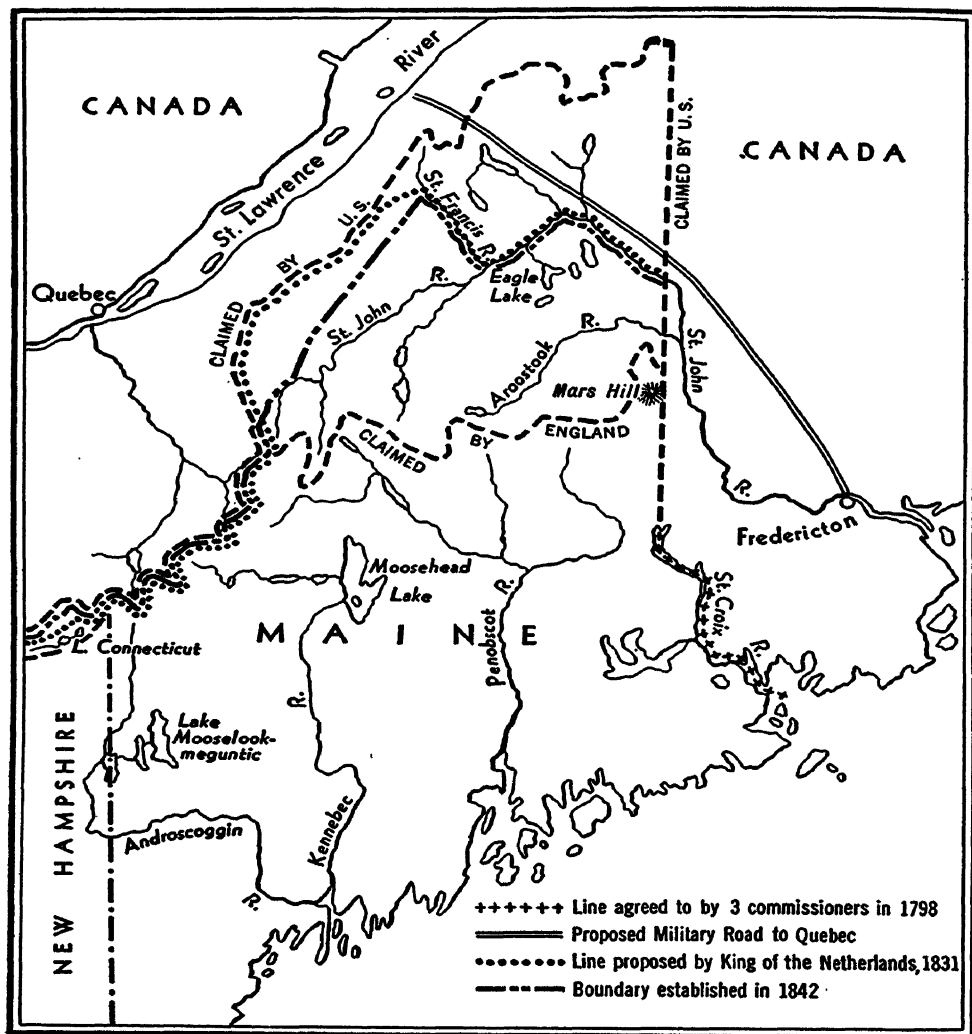
In 1838 the situation was rapidly assuming explosive proportions when a large body of New Brunswick and Maine lumberjacks engaged in the grandest fights that had thus far enlivened the Aroostook Valley. Maine sent in her militia; New Brunswick called out her fighting men; Nova Scotia sang *God Save the Queen* and voted war credits; and Congress voted \$10,000,000 and authorized the President to call out the militia and to accept 50,000 volunteers. Fortunately Winfield Scott, who was sent to the trouble zone, was able to terminate the bloodless “Restook War” by a *modus vivendi* pending diplomatic settlement. Scott’s reward was a new nickname, the “Pacificator,” to rival the favorite among his soldiers—“Old Fuss and Feathers.”

*The “Restook War”*

Considering the martial setting and the futile diplomatic efforts of sixty years, Webster and Ashburton decided to compromise by “splitting the difference.” In the outcome the United States retained seven-twelfths of the 12,027 square miles in dispute,

*Boundary settlements*





## NORTHEAST BOUNDARY CONTROVERSY

which was slightly less than would have been her portion under the award of the King of the Netherlands in 1831.<sup>1</sup> The territory Britain received represented the strategic boundary rectification which her diplomats had demanded at Ghent.

<sup>1</sup> The Americans secured the fertile Aroostook valley which produces as much as 600 bushels of potatoes per acre. (One hundred bushels is a pretty good yield.)

Another ticklish boundary question had resulted from the discovery in 1818 that the forty-fifth parallel, which constituted the boundary from the St. Lawrence to the Connecticut, had been incorrectly surveyed in 1774, the line curving northward as much as three-quarters of a mile where it crossed Lake Champlain. The awkwardness of the situation was enhanced for the United States by her recent construction of an expensive fort at the outlet of the lake, north of the true forty-fifth. Ashburton was willing to let the old mistake stand, and so it does to this day, confirmed by the treaty. Minor adjustments were made for portions of the boundary between Lake Huron and the Lake of the Woods for which agreement had not previously been made. So from the Atlantic to the Rockies the boundary was at last defined.

Reaching a boundary agreement was one thing; securing the consent of Maine and Massachusetts (considered necessary to avoid constitutional difficulties), as well as the confirmation of the Senate and Parliament, was quite another. Here certain maps played a strange role. Jared Sparks, the historian, sketched from memory a map he had seen in the French Foreign Office, and which confirmed Great Britain's claim. Meanwhile Webster had acquired a Mitchell's Map (the kind used in the negotiations of 1782) which had belonged to General von Steuben. It likewise confirmed the British claims. One look at these maps, plus the ameliorating influence of \$150,000, brought Maine to terms. Massachusetts accepted the same amount for the property rights she had retained in Maine. The maps had a similar effect upon the Senate.

*The "Battle  
of the Maps"*

In the British Foreign Office, though unknown to Ashburton, was a copy of a Mitchell with a red line marked as "Mr. Oswald's line" (Oswald negotiated the treaty of 1782) which corresponded almost exactly to the American claims. This map had a salutary effect upon Parliament.

Shortly after the Webster-Ashburton negotiations, Jay's copy of a Mitchell came to light. It confirmed the American claim. In 1933 another copy, made in 1782 by the Spanish minister in France, was found in Madrid. It conforms exactly with the Jay copy. Unquestionably the United States was entitled to the terri-

Problem of  
the slave  
trade

tory she surrendered in the interest of a peaceable settlement.

Another important problem for which a solution was reached by Webster and Ashburton was that of the foreign slave trade. In 1807 and 1808 England and the United States outlawed the traffic in human lives. England secured a declaration at the Congress of Vienna favoring the abolishment of the trade, and the Treaty of Ghent contained a similar pronouncement. The American law was bolstered from time to time by additional legislation—including the Act of 1820 which made the traffic piracy, punishable by death<sup>1</sup>—but the American cruisers which occasionally patrolled our coasts did not effectively enforce the laws.

After 1833, when England emancipated the slaves in her colonies with resulting disadvantage to her West Indian planters in competition with slaveholding islands, the economic motive was joined with the humanitarian. In order to suppress the traffic, England sought and obtained treaties<sup>2</sup> with many countries permitting in time of peace the mutual right of visit and search of vessels suspected of being slavers. Remembering her bitter experiences before 1814, the United States would not consider such a treaty unless England expressly renounced her claim to the right of impressment. This she refused to do.<sup>3</sup> In consequence, a hoisted American flag became the refuge of villains of any nationality who claimed under it exemption from search by the British. Great Britain, therefore, insisted that it was her right to *visit* vessels flying the American flag in order to determine the true status of the vessel.

The Creole

In the fall of 1841 the troublesome problem was greatly aggravated by the case of the *Creole*. This vessel, sailing from Hampton Roads to New Orleans with 135 slaves, was forced into Nassau by the mutinous Negroes after they had killed one of the owners of the cargo. The murderers were hanged, and the re-

<sup>1</sup> The first execution under the law occurred in February 1862.

<sup>2</sup> From the first Britain wished to establish an international police force, and set up international courts to pass upon seizures.

<sup>3</sup> In 1824 a treaty for mutual search was signed but failed of ratification. Within a few years thereafter the slavery dispute had become too strong to permit even the signing of such a treaty. In April 1862 the United States finally signed a convention of this sort, and inasmuch as most of the slave states were out of the Union it was unanimously ratified by the Senate.

mainder set free having set foot on British soil. Northern abolitionists were jubilant; Southerners saw red. The British government commended the deportment of its officials at Nassau, thereby threatening the success of the Webster-Ashburton negotiations. Fortunately, an exchange of notes paved the way to a settlement.<sup>1</sup>

The solution finally reached by Webster and Ashburton for the vexatious problem of visit and search was a provision suggested by Tyler (Article VIII) for a joint patrol of the African slave coast. The arrangement prevented serious friction thereafter, though the American squadron was not sufficient to prevent the use of the American flag by slavers until the Civil War. Another feature of the treaty was a provision for the extradition of fugitives charged with murder, piracy, arson, robbery or forgery. This proved a material aid to both countries in their efforts to preserve peace along the border.<sup>2</sup>

*Provision for  
joint patrol*

*Extradition*

The treaty was not popular in either country but it was highly instrumental in the weathering of a dangerous crisis without war, and as such is a monument to the sanity of reasonable men.

<sup>1</sup> The *Creole* case was submitted to a mixed claims commission in 1853. It awarded to the United States compensation in the amount of \$110,330.

<sup>2</sup> The provision in Jay's treaty for extradition of those accused of murder and forgery had lapsed before the War of 1812. No other agreement was reached until 1842. Subsequent enlargements of the list eventually made meaningless the old phrase, "gone to Canada."

Of significance was an exchange of notes by Webster and Ashburton which amounted to a renunciation of Great Britain's claim to the right of impressment. America has never suffered from impressment since 1814.

## Chapter Thirty-Six

### WESTWARD TO THE PACIFIC

LORD ASHBURTON'S instructions included the establishment of a boundary for Oregon—claimed in its entirety by both countries—but he and Secretary Webster failed to reach an agreement. Hardly had their negotiations terminated before American interests in the region reached such a stage that a solution of some sort could not safely be postponed much longer.

*Rival claims  
to Oregon*

"Oregon," as the great region northward from San Francisco Bay was generally called as early as 1819, was first claimed by Spain.<sup>1</sup> But other countries flouted her pretensions and established claims of their own. England was the first rival to enter the field. Her title, which was at least as good as that of Spain, rested upon Francis Drake's landing in 1578 while en route to England via the East Indies because the longest way home with his vast Spanish booty was the safest. Not until 1741 did Russia put in a claim—this on the basis of an expedition headed by the Danish sea captain, Vitus Bering, which discovered Alaska. Shortly thereafter the Russians were busily engaged in a bloody exploitation of the fur trade in the New World.

*Opening of  
trade*

Wherever profits were to be had, Britishers were likely to appear. But the beginning of their fur-trading activities on the Pacific coast was incidental to the search for a western terminus of the long sought "Northwest Passage." Spurred by a Parliamentary offer of £20,000, Captain James Cook arrived on the Oregon coast in 1778, two months after discovering the Sandwich (Hawaiian) Islands. After proving the nonexistence of a navigable northwest passage he wintered in Hawaii where he met death at the hands of the natives. Proceeding to China, his men sold at

<sup>1</sup> Spanish claims rested on the papal bulls of 1493, and explorations as early as 1542.

fabulous profits the furs which had been purchased on the Oregon coast for Arctic service.

Speedily, for that slow-moving age, ships of different countries sailed to Oregon waters in order to exploit the new source of profit.<sup>1</sup> Sea-otter were most prized—the skins of some 550, taken to China in 1785, sold for \$20,000—but many other kinds were found in abundance, and at a low price too until the Indians became value conscious. In 1788 Americans appeared on the scene. Four years later Captain Robert Gray, while seeking localities where the Indians had not yet been exploited by traders, discovered the great river which he named after his good ship, the *Columbia*. Thus was established for the United States the first claim to the region. With a cargo of peltries Gray sailed away to China, thereby establishing the final leg of a profitable three-cornered Yankee trade with the Celestial Empire.

*Captain  
Gray*

The trackless ocean was not the only approach to Oregon. In July 1793 a sturdy young Scot, Alexander Mackenzie, partner of the Canadian North West Company, reached the Pacific Ocean—the first white men to cross the continent north of Mexico. Shortly afterward another Nor'wester, David Thompson—student of birds and the stars, and devoutly religious—began the many years of exploration that gave him acquaintance with much of what is now British Columbia, Washington, Montana, and Idaho as well as the region between the Rockies, Hudson Bay, and the Great Lakes. As trail blazers, the Nor'westers thus outstripped their ancient rival, the Hudson's Bay Company, but their stiffest opposition was yet to come. American fur traders provided some of it.

*The  
Nor'westers*

The return of Lewis and Clark from their great expedition directed the attention of many fur traders to the upper reaches of the Missouri; others needed no such encouragement. Indeed, the explorers on their return trip met eleven parties of trappers breasting the current of the "Big Muddy," headed for virgin beaver grounds. Little is known of these intrepid free lances, most of whom were illiterate, but in the summer of 1807 the North West Company was informed that about forty of them

<sup>1</sup>It was the resulting Anglo-Spanish ventures and rivalries that produced the famous Nootka Sound Affair. See Chapter XVII.

were attempting to establish a post on the Columbia River.<sup>1</sup> The first American company organized to exploit the new region was the St. Louis Missouri Fur Company (1809) headed by Manuel Lisa, a Spaniard prominent in the fur trade centering at St. Louis before the Louisiana purchase. In the Yellowstone country his company ran amuck with the fierce Blackfeet, who presented such an obstacle that operations were well-nigh abandoned on the upper Missouri until after the War of 1812.

John Jacob  
Astor

Meanwhile the most outstanding figure in the history of the American fur trade gambled on the control of the entire business from the Atlantic to the Pacific. John Jacob Astor, a German immigrant of 1784, prospered in peltries to such an extent that he was sole stockholder in the million-dollar American Fur Company chartered by New York in 1808. His dreams envisaged a chain of posts from St. Louis to the Columbia, where a fort should be established as a great depot and collection center for the Oregon country, as well as a connecting link between New York and China. For the consummation of these plans he organized a subsidiary company (the Pacific Fur Company), enticed some experienced Nor'westers to join him, and in September 1810 dispatched the *Tonquin* on its ill-starred expedition to Oregon. Two months earlier Astor had sent Wilson P. Hunt to Montreal for the purpose of collecting experienced river men for an overland expedition to the Columbia. Among the Nor'westers sailing with Captain Jonathan Thorn on Astor's ship was Duncan McDougal, an old comrade of David Thompson. McDougal was authorized to command the fort to be erected on the Columbia, while Thorn was to ply the Oregon coast for furs.

Astoria

The venture had the blessing of the Federal Government, which welcomed the control of trade in the Far Northwest as a means of furthering American claims, but from the beginning nearly everything went badly. Captain Thorn, although honest and upright, proved to be a stupid martinet. Sailing by way of Hawaii, the *Tonquin* finally arrived at the mouth of the Columbia in March 1811. Eight lives were lost before the bars were run to

<sup>1</sup> In that same year John Colter, who had been with Lewis and Clark, apparently was the first white man to visit Yellowstone Park. "Colter's Hell," it was later called. Colter was captured by the Blackfeet, but daringly escaped to travel naked for seven days before reaching safety.

safety within the river. McDougal soon began the erection of a fort, "Astoria," about twelve miles upstream, and Thorn sailed away to Vancouver Island for the purpose of trading with the Indians. The natives proved hostile; Thorn testy and incautious. In the outcome the white men perished to a man, and the *Tonquin*, together with many Indians, was blown to bits.

Almost to the week that McDougal was beginning his fort on the Columbia, "Astor's Overlanders," as Hunt's expedition was called, were only starting up the Missouri from St. Louis whence they had come from the Great Lakes. Being warned of danger from the Blackfeet, the party left the Missouri in the South Dakota country, eventually reaching the Snake River along which they toiled to the Columbia. After heroic struggles and extreme suffering most of the men finally arrived at Astoria by February 1812.

In the preceding June, before Astoria was completed, David Thompson was building a fort for the Nor'westers on the Spokane where it enters the Columbia. Americans were not to dominate Oregon without a contest. However, in spite of serious reverses the Astorians held their own until the War of 1812 intervened. Then the North West Company successfully sought from Britain the aid of a war vessel, the *Raccoon*, which sailed half way around the world to further that company's empire building. Warned of their impending fate, and doubtless influenced by old British sympathies, McDougal and his partners decided to sell out to their rivals. So at one-third their value Astoria and all other Pacific Company possessions in Oregon became Nor'western property. The *Raccoon* made its long voyage for nothing, and John Jacob Astor lost a small fortune. *American failure*

Thus, in the first round, the Nor'westers dominated Oregon, but their days were numbered. Because of violent tactics employed in competition with the Hudson's Bay Company, Parliament stepped in. In 1821 the North West Company was merged into the older company, which stood for law and order. About three years later Oregon headquarters of Hudson's Bay were established at Fort Vancouver on the Columbia opposite the Willamette. Here for twenty years a magnificent Canadian-born Scot, Dr. John McLoughlin, Chief Factor of the "Great *John McLoughlin*



Company," ruled like a benevolent king. He dealt fairly with the Indians, maintained civilized standards of living, supervised agriculture so that food would be adequate, built saw mills, stimulated dairying, supervised the extensive trading activities of his company, and ministered to the sick. For many years he was the only physician in Oregon. It was a strenuous life, but not devoid of things cultural. Among his associates were university men from Edinburgh and Oxford. Sailing ships brought books on many subjects from London, and occasionally a distinguished scientist. One was the Scottish botanist, David Douglas, for whom the northwestern fir was named. Still another developed a fine strawberry and flourishing apple trees. To all comers, whether British or American, hospitality was extended freely, but the "White Eagle" gave no assistance of the sort that would enable rivals to compete with his company, and he tactfully managed to keep American trappers and traders south of the Columbia until the eve of the final division of Oregon in 1846.

*Readjustment of claims to Oregon*

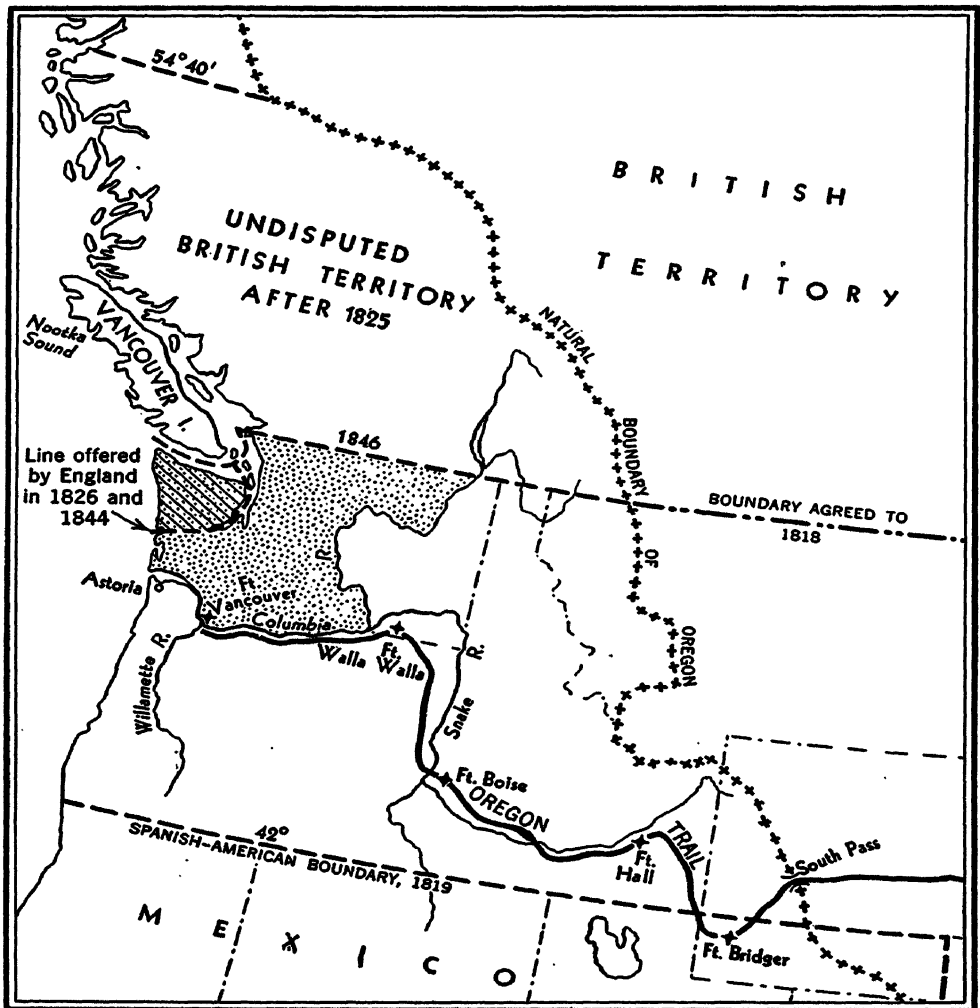
Long before that time two claimants to this vast country had dropped out. In 1819 Spain accepted the inevitable and surrendered to the United States all claims north of latitude 42°. In 1824 and 1825, by treaties with the United States and Great Britain, Russia renounced her ambitious hopes of territorial expansion and accepted the latitude of 54° 40' as the southern limit of her claims. Already, in 1818, Great Britain and the United States had entered into a joint-occupation agreement pending a settlement of sovereignty over the great region.<sup>1</sup> In 1825 the respective claims of the two countries, resting upon explorations, treaty agreements and occupation, nicely balanced, although the British completely dominated most of the territory.<sup>2</sup> In fact, until the thirties, the only activities of Americans in the Rocky Mountain area were confined to the fearless trappers and fur-traders,

<sup>1</sup> Oregon after 1825 definitely included what is now British Columbia and the great states of Washington, Oregon, and Idaho, and portions of Montana and Wyoming.

<sup>2</sup> For the United States: Gray's discovery, the expedition of Lewis and Clark, the founding of the trading post of Astoria and its restoration to the United States under the Treaty of Ghent, and the Spanish treaty of 1819. For the British: the voyages of Drake, Cook, and Vancouver (1792); the overland expeditions of Mackenzie, Fraser (1808), Thompson (1807-11) and his chain of trading posts; and the Nootka Sound Convention of 1790.

like those previously mentioned, who became familiar with its topography, with few exceptions, long before official explorers gave the public any knowledge. After the War of 1812 trading posts were established farther and farther up the Missouri—still the great natural highway to the West—and keelboats laboriously breasted its tricky currents with goods to exchange for

### THE OREGON QUESTION, 1818–1846



the furs brought in by trappers and Indians. In 1828 the American Fur Company established a post at the mouth of the Yellowstone. Beyond was the Montana area where the hostile Blackfeet had broken up previous efforts at trading.<sup>1</sup>

*Mountain  
rendezvous*

Because of Indian hostility and the rivalry of the American Fur Company, General William H. Ashley, head of the Rocky Mountain Fur Company, decided about 1824 to abandon the Missouri and the old practice of operating through trading posts. The new alternative was an annual mountain *rendezvous*, held in the summer at a prearranged spot where the company's trading caravan out of St. Louis would meet the trappers and Indians for a season of wild merriment until furs or goods were exhausted. Whiskey, always a prominent article in trade, was used upon the Indians with telling effect. When trading was finished and stakes were pulled the Indian might have nothing to show for his winter's catch except, perhaps, a headache and a growing sense of mistreatment, while the trapper would have little but the memory of a lively spree and a minimum of equipment for another season of lonely work. The "mountain men" were a picturesque lot—tough, resourceful, and fearless as ever trod the dangerous paths of the world. Subject to no law but their own conscience, and impelled by a fierce love for the open and freedom from restraint, they followed the beaver to the deepest recesses of the mountains. Most of them are nameless. A few—like Jedediah Smith, James ("Old Man of the Mountains") Bridger, Thomas ("Broken Hand") Fitzpatrick, and Kit Carson—are familiar because of their work as explorers and guides.

*Jedediah  
Smith*

It was Smith, the "knight in buckskin," who with Bible and rifle and some fifteen men left the recently discovered Great Salt Lake in August 1826 to explore the Southwest. A year later he returned; the first man, so far as is known, to cross the Great Basin and the Sierras to California. Almost immediately he went again to California, then northward to Oregon, reaching Fort Vancouver after having lost his furs and all his men save two. Smith was only thirty-two when he met death at the hands of Comanches on the Santa Fe trail in 1831.

<sup>1</sup> The company persisted, however, and in 1830 established trade relations with the Blackfeet. A year later it put a steamboat in service on the Missouri to expedite the work. Yearly, at flood time, this vessel or its successors advanced farther upstream, greatly extending the operations of the company.

In the early 'thirties interest in the Far West took a definite upward turn. In 1832 Captain Benjamin Bonneville, on leave from the army for the ostensible purpose of exploration, took a party of over 100 men and for three years tried his luck in the region between the Green and Columbia rivers. Washington Irving's story of the expedition soon threw a glamour over the Oregon country. *Bonneville*

Likewise in 1832, as evidence of expanding interest in the Far West, there came upon the plains the strange expedition of a Cambridge ice dealer, Nathaniel Wyeth, who had recruited followers in Boston for the purpose of establishing a profitable trade in Oregon. Wyeth was a convert of a Boston schoolmaster, Hall J. Kelley, who since 1815 had been preaching the desirability of acquiring Oregon through settlement.<sup>1</sup> After a few unprofitable years on the plains and mountains Wyeth returned to his ice business, having stimulated an active interest in the settlement of Oregon. Meanwhile a missionary movement, following on the heels of the trappers, paved the way to the establishment of an American agricultural frontier destined to overbalance the British who completely dominated the Far Northwest until the 'thirties. *Kelley and Wyeth*

In March 1833 the *Christian Advocate* published an account of the perilous mission of some Oregon Indians who came to St. Louis asking that missionaries be sent to their people. Churchmen quickly accepted the challenge. In September 1834 Jason Lee and four others sent out by the Methodist Church arrived at Fort Vancouver—the first missionaries to reach Oregon. McLoughlin helped them establish a mission in the Willamette Valley. Presbyterians followed the next year. In 1836 Dr. Marcus Whitman and H. H. Spalding took their brides—the first white women to cross the mountains—and established other missions.<sup>2</sup> *Missionaries to Oregon*

Two years later the Catholics were in the field. Missionaries

<sup>1</sup> In 1834 Kelley finally reached Oregon by way of Mexico with an assortment of American trappers and men of damaged reputation he had picked up in California. His hopes collapsed in the face of McLoughlin's opposition, and he left Oregon in 1835.

<sup>2</sup> Because of a famous ride which Whitman made to the East in the winter of 1842-1843 in behalf of his mission, there soon appeared a legend that he saved Oregon for the United States. In 1847, Whitman, his wife, and several others were massacred by the Indians. Whitman's medicine, which was unable to stem the deadly ravages of measles among the Indians, was thought to be poison.

were not notably successful in winning converts, but their rivalries with the French Canadian priests provided local color in the contest for Oregon, and they advertised the delightful climate and fertile soil.

*Settlers* Annually the number of people taking the Oregon Trail showed a slight increase. Then in 1842 a company of more than



THE OREGON LAND BOOM. AFTER A PAINTING IN THE POSSESSION OF THE NEBRASKA HISTORICAL SOCIETY

*The Bettmann Archive*

100 home-seekers followed the newly appointed Indian agent for Oregon, the ex-missionary Elijah White, to the Willamette. The next summer, stimulated by the lean years that followed the Panic of 1837, about 1000 made the long hard trek, arriving in the fall with almost nothing against the coming winter. McLoughlin supplied their immediate needs and advanced provisions, seeds, and implements, although he realized clearly what this might mean for the British future in Oregon. The following years witnessed still larger migrations.

Already well known by mountain men, and after 1843 well

marked by discarded articles, broken wagons, and skeletons of failing animals, the Oregon Trail became one of the historic highways of American expansion.<sup>1</sup> Assembling at the "jumping-off place" (usually Independence, Missouri) the caravan of covered wagons and stock would be ready to begin the 2000-mile journey in May when the green plains would support wagons and provide food for the oxen. The trail led west and northwest to the Platte, then followed that stream to the source of its Sweetwater branch near South Pass. This famous gateway through the Continental Divide marked less than half the distance. Beyond it came the great ordeal—one oftentimes too severe for man as well as beast. If fortunate the migrants might reach the Willamette by November. Some small parties never arrived. Rarely did one reach its destination with the same number that started. The babies born on the way did not offset the deaths, and lonely graves bespoke the tragedy as well as the courage of many who pushed on toward the setting sun.

*The Oregon Trail*

Meanwhile, after various steps had been taken for the administration of local affairs, the settlers in 1843 followed a long-established frontier precedent by adopting a written constitution and setting up a provisional government. They then petitioned Congress to give them a territorial government. North of the Columbia there were no American settlers, but their rapid increase south of it, together with declining profits in the fur trade, spelled defeat for the British.<sup>2</sup> In 1845, on the advice of McLoughlin, Fort Vancouver was abandoned to the Americans, and the Company established a new post on Vancouver Island.

*Government in Oregon*

The old process in the frontier advance—first the trapper, then the missionary, then the agriculturist—was giving to the United States the relative advantage which settlers have over fur traders.

<sup>1</sup> In 1842 John C. Frémont, son-in-law of Senator Benton, was sent by the War Department to explore the trail to South Pass. He merely recorded on a map what the mountain men knew, but he became known as the "Pathfinder." In this, as in later explorations, he usually had trappers to guide him. Without their aid he showed a great capacity for getting lost. The first white man known to have traveled through South Pass was Robert Stuart, a partner in the Astoria venture, who came eastward through the pass in 1812. In 1823 it was discovered anew by a party of trappers under General Ashley.

<sup>2</sup> As early as 1832 the silk hat was beginning to replace the beaver; consequently the price of the fur as well as the animal that produced it steadily declined.

It was thus that the British had dispossessed the French in America.

In Congress Oregon-mindedness was growing,<sup>1</sup> although the joint occupation agreement (indefinitely extended in 1827, subject to abrogation on one year's notice) stood in the way. But the popular movement was not to be denied. By 1844 politicians appraisingly sniffed the possibilities in a presidential campaign for "the whole of Oregon" and the "reannexation of Texas." Once more the wagon of expansion was hitched to the star of "manifest destiny."

*New Mexico  
and  
California*

During the years that Americans were taking possession of the coastal area of Texas, others were establishing contacts farther afield and paving the way for the acquisition of a still greater slice of Spain's once far-flung domain.

New Mexico and California, like the province of Texas, were outposts of Spanish civilization attached to Mexico by extremely tenuous bonds. Jesuit fathers braved the dangers of distant mountains and deserts, following the paths of explorers or blazing their own to seats for missions where the Indians might be given the opportunity of exchanging their religion for a status often akin to slavery. Around the missions, frontier garrisons were established to safeguard the colonists who ventured thus far to enjoy the generous estates bestowed by the government.

*The Santa Fe  
Trail*

In 1609, two years after the settlement of Jamestown, the governor of New Mexico built his capital of Santa Fe. Here by 1800 was the heart of a scattered population in a region rich in silver and peltries; but trade was limited because few articles could stand the freightage costs over the forbidding 1500 miles from Vera Cruz, the one port of entry for all Mexico. Zebulon Pike, who visited Santa Fe as a prisoner in 1807, described the attractive possibilities for trade. The market was there, as enterprising Americans soon discovered, but so were prisons. When Mexico threw off the Spanish yoke in 1821, American prisoners

<sup>1</sup>In 1838 Senator L. F. Linn of Missouri began his campaign for keeping attention focused on American rights in Oregon by introducing a bill to establish the Territory of Oregon. In 1841 he introduced another providing for a line of forts from Missouri to Oregon, and for a section of land to every male emigrant eighteen years of age or over. This bill, which actually passed the Senate, encouraged the great migration of 1843.





of nine years' standing were freed, and the trade barriers were relaxed. First to test the new market was William Becknell who left Missouri in the fall of that same year with a stock of goods headed for Santa Fe, 800 miles away. Annually thereafter, from some "jumping off" place on the Missouri (Independence after 1830), caravans moved in the spring across the "American Desert"—much of it green and sweetly scented with early wild flowers—returning in the fall laden with peltries, mules, and specie.<sup>1</sup>

Life was not an uninterrupted picnic for the "bull-whackers" who followed the trail. A portion of the distance was a region so arid that death from thirst was not unknown; but seasoned veterans returned safely unless they fell victim to the Comanches or, perchance, to the charms of Mexican señoritas. The number killed by the Indians was small, but the danger of attack impelled each caravan (with rare exceptions) to form a military organization. This was completed on the outward trip at the great Council Grove, about 150 miles from Independence.

In 1825, on the urgent insistence of Benton, Congress appropriated \$10,000 for surveying and marking the trail and twice that amount for securing the good will of the Indians just beyond the Missouri border. Almost immediately the Kaws and Osages promised not to molest the traders. As further protection Fort Leavenworth was established in 1827, and thrice before Santa Anna temporarily stopped the trade in 1843 military escorts were provided.

The value of the trade was never large, but it held great significance for the future. It disproved the desert myth and therefore doomed the "permanent" Indian home before it was well established; and it developed in frontiersmen a contempt for Mexicans, and furthered ideas of easy conquest.

The Spanish settlement of Upper California was begun at San Diego in 1769, followed by Monterey in 1770 and San Francisco Bay in 1776. Here the weak northward thrust lost its driving

*Spanish  
California*

<sup>1</sup>The Spanish silver dollars, which helped stabilize money on the frontier, were so useful that they were sometimes cut in halves, quarters, and eighths. The eighths were called "bits."

The term "two bits" goes back to the seventeenth century when the Spanish *reale* (one-eighth of a Spanish dollar) was the most prevalent coin in the colonies.

power. So distant from Mexico City that governmental control was hardly attempted, the few Spaniards who went to California enjoyed generous living made easy by the fruitful earth and herds which multiplied without attention. The Franciscans established many missions and gathered about them thousands of Indians who for a while forgot their savage ways and lazily tilled the fields. After Mexico became independent the peaceful scene changed to one of discord. Politics became turbulent; for here as in Texas the situation was complicated by the succession of revolutions in Mexico. The missions lost their influence, and their lands were secularized.

The earliest American contacts with California were made shortly after the Revolutionary War, when New England sailing vessels began stopping on the coast to pick up furs for the Chinese trade. In spite of stringent Spanish regulations they found a ready market for "Yankee notions." Whaling vessels put in for provisions and repairs, and in the 'thirties New England merchants developed a highly profitable trade in hides and tallow. Some sailors deserted their ships and joined scores of Yankees who were finding the land a delightful place to further their interests.

Before 1841 California was receiving great publicity through the publication of descriptions written by men who had been there, including Richard Dana who wrote *Two Years Before the Mast*. The "salubrious" climate of this sunny land made a special appeal to settlers of the Mississippi Valley, wearied of fighting the ague and other endemic diseases. A Missourian, back from the coast in 1840, set the pattern for California advertising when he described the region as "a perfect paradise, a perpetual spring" so healthful that citizens of Monterey went eighteen miles to see a man shaking with chills. How many were willing to travel 2000 miles to miss the experience! In 1841 the first party of emigrants went overland to California. Others followed. The peaceful conquest of California was well begun.

*Americans  
California*

In the 'forties, also, occurred another and in some respects the most unique migration in American history—the flight of the Mormons to the Great Salt Lake in order to escape persecution.

*The  
Mormon  
Church*

The period of the 'twenties and 'thirties was one of intellectual ferment and revolt. Jacksonian Democracy, the Anti-Masonic

*Joseph Smith*

movement, humanitarianism, temperance, and the antislavery movement are outstanding examples. Dozens of new religious sects sprang up to compete for a following among those whose spiritual anchors were not well grounded. Among the drifters in the westward-moving Yankee current was the poverty-stricken family of which Joseph Smith was a member—a Vermont family which seems to have made its greatest contribution to any given community by leaving it (at least ten times in twice as many years) until it settled at Palmyra, New York. As a young man in an atmosphere charged with revivals, Joseph jr. hunted buried treasure and saw visions. Finally, as he explained, an angel showed him where to dig for some golden plates on which was written, in an ancient language, a history of the true church in America following its migration from Jerusalem. Conveniently buried with the plates was a pair of glasses which enabled him to translate the inscriptions. The result, in 1830, was the Book of Mormon—a strange and tiresome conglomeration of frontier Protestant doctrine, personal experiences, imaginary history of the lost tribes of Israel, and anachronisms—and the organization of the Church of Christ of the Latter Day Saints. The following year Kirtland, Ohio, became the seat of the church, pending the choice of a location for the permanent Zion near the “lost tribes” (the Indians) whose redemption was the mission of the church. Independence, Missouri, was chosen. Difficulties in Kirtland, including the failure of Smith’s wildcat bank, made the Prophet a fugitive from justice, while the bitter frontier intolerance of the “Gentiles” (non-Mormons) drove the faithful from Missouri. Settlement would have to be undertaken in some other locality.

*Mormons at Nauvoo*

In 1839 Smith bought a deserted village in Illinois, near the mouth of the Des Moines, named it Nauvoo, and under a liberal state charter which enabled the church to exercise virtual autonomy the community prospered. The church was by this time a well-organized cooperative theocracy—strongly emphasizing the communal life<sup>1</sup>—ruled by the masterful Prophet whose unques-

<sup>1</sup>At this time there was widespread interest in communism, both in Europe and America. Communal settlements were founded by several religious sects, such as the German Rappists and the American Shakers. The New Harmony (Indiana) experiment of Robert Owen, in the 'twenties, was the most notable example preceding the Mormons.

tionable ability was occasionally bolstered by "revelations" from God.

Augmented by converts from many places, including England, the Mormon population of Nauvoo and the surrounding region expanded rapidly (probably 30,000 by 1844); and so did Smith's interests and ambitions. A convenient "revelation" sanctioning polygamy (which Smith was already enjoying) rent the Church and strengthened "Gentile" charges of immorality.

In trying to hold the balance between Whigs and Democrats in Illinois Smith antagonized both. In 1844 he was a candidate for the presidency of the United States on a rambling platform which, among other things, called for the conversion of lawyers into missionaries after repenting for the sins of their profession. In that same year his career was cut short by a mob.

The Prophet's damaged mantle and a portion of his widows fell to the aggressive chief of the twelve apostles, Brigham Young.<sup>1</sup> For two years violence flamed in western Illinois. Then, realizing the futility of resistance, Young decided to seek a place of refuge in Mexican territory beyond the Rocky Mountains. Leaving all they could not carry in their wagons or drive on foot, 12,000 made their way across Iowa during the spring and summer of 1846. After wintering at Council Bluffs, Young and a chosen band pushed forward in April. In July they reached the Great Salt Lake, and immediately started plowing and digging ditches to bring life-giving water from the mountains.<sup>2</sup> Young was matching inspiration and stubborn determination against the knowledge of those who knew that human life could not sustain itself by agriculture in that barren waste.

*Brigham  
Young and  
the hegira*

So far, and to such a region, did this religious group migrate in order to escape persecution. Six months later by the irony of

<sup>1</sup>The Mormons broke into factions. James Jesse Strang led one group to Wisconsin, and was later crowned King of Big Beaver Island in Lake Michigan. Like Smith, he met death at the hands of a mob in 1856. Another faction remained at Nauvoo for several years, then moved their headquarters to Lamoni, Iowa, then to Independence, Missouri.

<sup>2</sup>This was the first extensive irrigation project undertaken by citizens of the United States. In the Salt River Valley of Arizona are remains of extensive prehistoric irrigation systems. In the Southwest the Spanish and Mexicans had done a considerable amount of irrigating before the region was acquired by the United States.

fate the termination of the war with Mexico gave the territory to the United States. But the farmers' frontier halted at the edge of the Great Plains long enough for the Saints to gather sufficient strength to defy all comers. Turning the desert into fruitful lands was the sort of undertaking with which the individual pioneer could not cope, but which a communal organization under the driving despotism of a Brigham Young was able to carry through successfully. With a heavy hand, but with justice, Young dominated for thirty years the temporal and spiritual life of the growing domain of Mormonism.

*Mormons at  
Salt Lake*

Meanwhile the self-sacrifice and dogged perseverance of these sturdy people, as well as the constructive character of their achievements, were obscured in the public eye by the practice of polygamy. Young's control was made even more secure when, on the organization of Utah Territory, he was appointed governor. For their refusal to obey the Mormon Church, federal judges were driven out. The sanctity of plural marriage was not to be questioned or denied.

The Republican party in 1856 called upon Congress "to prohibit in the territories those twin relics of barbarism—Polygamy and Slavery." President Buchanan sent an army under Albert Sidney Johnston: Brigham Young breathed defiance, and small parties of Mormons captured army supplies and drove off its stock. A compromise prevented bloodshed, and the Mormons continued to follow the dictates of their conscience—and the leadership of Young. The final solution of the problem was reserved for a later generation.

## Chapter Thirty-Seven

### "MANIFEST DESTINY" AND THE MEXICAN WAR

MARTIN VAN BUREN, succeeding to the presidency the day after Jackson recognized the independence of Texas, had antislavery predilections; moreover he had quite enough troubles, what with the panic, without inviting others. So he tried to wash his hands of the Texas issue by flatly rejecting (August 1837) a Texan proposal for a treaty of annexation. *Van Buren and Texas*

Not so readily would the abolitionists and slavery protagonists fall in line. Annexation would threaten the balance between North and South—that balance which was watched with such jealousy after 1812. Southerners generally were coming to appreciate what some of them could see in 1820: namely, that the line of 36° 30' would eventually give the North more states than the South could ever hope for, unless more territory were acquired. After the admission of Arkansas and Michigan (1836 and 1837), making thirteen states each for the North and South, Florida was the only remaining slave territory to balance the free territories of Wisconsin and Iowa (1838), and Iowa was so large as to make subdivision highly probable. Texas, large enough for several states, offered tempting prospects. *Sectional rivalry*

In January 1838 annexation resolutions were introduced in Congress, but were tabled in the Senate and talked to death by J. Q. Adams in the House. Outside the halls of Congress, Southern extremists were matched by abolitionists. "Sooner perish! Sooner our name be blotted out from the record of nations!" exclaimed William E. Channing, than that the United States stoop to the dishonor of annexing Texas. Garrison demanded secession if it should be done. Under such circumstances it is not surprising that politicians were willing to let the provocative question rest for four years. *Annexation. resolutions defeated*

*Lone Star  
Republic*

So the youthful Lone Star Republic was left to make a place for herself in the family of nations. She acquired a navy and a debt, secured the recognition of France, Great Britain, Holland, and Belgium; and between intermittent spats with Mexico threatened to storm the halls of the Montezumas and annex California, New Mexico, and even a portion of Old Mexico. In 1841 President Mirabeau Buonaparte Lamar with a few hundred followers undertook the capture of Santa Fe, a campaign that ended in jail for most of those who participated. Mexico refused to recognize the independence of Texas, but never made a serious attempt at reconquest. In 1843, through British aid, a truce was arranged; but the frequent changes of government in Mexico offered no guarantee of permanence.

*British  
interests  
in Texas*

Meanwhile, seemingly becoming tired of American rebuffs, President Houston began cultivating the favor of Great Britain. For commercial as well as political reasons, England and France were intrigued by the prospect of maintaining an independent state between the United States and Latin America. For Texas produced the cotton and other raw materials which England could secure without running the gauntlet of the American protective tariff.

But there was a fly in the ointment—slavery. English public opinion strongly resented the idea of conferring Britain's blessing on a new slave republic. To Aberdeen, now in the Foreign Office, the situation offered the possibility of inducing Texas to free her slaves in return for a British guarantee of independence plus a financial consideration. Aberdeen advised Mexico to recognize the independence of Texas on the condition that she abolish slavery. In 1844 he went so far as to suggest to the Mexican minister in London that if Mexico would recognize Texas, England and France would guarantee not only the independence of Texas, but also the boundary of Mexico. Inviting as it was to Texas, it was a proposition which no Mexican government dared accept.

*Tyler wants  
Texas*

At Washington in 1843 there were strong symptoms of a new epidemic of "Texas fever." What was the meaning of this Anglo-Texan flirtation anyway! President Tyler definitely wanted Texas—privately, on succeeding to the presidency he had an-

nounced his determination to have it—but Secretary Webster, somewhat fearful of his antislavery constituents, could not develop any enthusiasm even though Great Britain might appear to be the lucky suitor. Instead, he favored angling for a portion of California, a region where New England trading vessels had long operated. Learning that Tyler was contemplating annexation, J. Q. Adams presented a resolution to a House committee declaring any attempt to annex Texas to be a violation of the Constitution. Then (March 3, 1843) he joined with thirteen other members of Congress in issuing a manifesto declaring annexation to be “identical with dissolution” of the Union, and that the people of the free states “ought not to submit to it.”

The South, too, was much alarmed, but for the contrary reason. An independent Texas, allied with England and France, or even enjoying their special friendship, might not only block expansion westward but, under British influence, become a free republic, and thus be a refuge for runaway slaves and a menace to the entire Southern social structure. Feeling ran still higher when it was reported that Aberdeen had offered to guarantee a loan to enable Texas to emancipate her slaves. *Souther fears*

Webster resigned in May 1843. A. P. Upshur succeeded him and undertook the negotiation of a treaty at Tyler's direction.<sup>1</sup> Learning what was on foot, the Mexican minister at Washington declared officially that if Texas were annexed his government would declare war. President Houston then demanded that during negotiations the United States should defend Texas from attack by Mexico. Before the difficulty could be overcome, Upshur's negotiations and career were terminated by the explosion of a cannon. Calhoun succeeded him and soon (April 12, 1844) signed the treaty. He then took Aberdeen to task for what the ardent Southerner considered to be unwarranted meddling in Texan slavery. In a bristling note (April 18) he said that a treaty of annexation had been completed in order to defeat British anti-slavery interests in Texas.<sup>2</sup> From the standpoint of the administra- *Calhoun defense of slave*

<sup>1</sup> Andrew Jackson was pushing Tyler, and at the same time laboring with his old friend Samuel Houston, President of Texas.

<sup>2</sup> He concluded his note with an imposing collection of statistics to prove that among free Negroes there was a striking increase in blindness, deafness, idiocy, and insanity. Slavery, therefore, was a blessing to the Negro.



tion this explanation was not true, but it was an honest reflection of Calhoun's ideas about the principal motive in the action. Calhoun reasoned that the Federal Government was bound to defend any institution within the states—even slavery. A free Texas would endanger the institution of slavery in the South; therefore Texas must be annexed. If his object had been the defeat of his treaty he could hardly have labored to better effect.

*His treaty  
defeated*

The treaty was sent to the Senate (April 22, 1844) just when politicians were priming themselves for the national party conventions. This fact, together with the unpopularity of Tyler and the unfortunate arguments of Calhoun, doomed it to certain defeat.<sup>1</sup> If Texas were to be acquired it must be on the basis of an appeal to national pride and "manifest destiny."

*Texas and  
Oregon in  
campaign  
of 1844*

The Texas question was therefore injected into the presidential campaign in spite of the efforts of the preconvention Whig and Democratic favorites, Clay and Van Buren, who publicly announced their opposition to annexation. It cost Van Buren the nomination and Clay the election. The Democrats cleverly shifted the emphasis from slavery and sectionalism to expansion by writing into their platform a demand for the "reoccupation of Oregon" as well as the "reannexation of Texas." For standard-bearer they chose a "dark horse," James Polk of Tennessee, who saw eye to eye with his old expansionist friend, Andrew Jackson. For the first and only time in the nineteenth century a question of foreign affairs became the issue in a presidential election.

*Clay's  
dilemma*

The jaunty assurance with which Clay received the unanimous vote of the Whig convention soon turned to misgivings. But when he tried to temper his stand on the Texas question to the wind of Southern desires he succeeded only in making his position obscure, to the disgust of many antislavery Whigs who would be satisfied with nothing but flat-footed opposition to annexation. There were other issues than expansion, but nothing half so exciting or clear-cut. Lusty Democrats demanded Texas and yelled "Fifty-four forty or fight!" while staid New England Whigs deplored the ignorance of roaring young America.

The result of Clay's "straddling" (if such it was) was to divert

<sup>1</sup> It was defeated 16 to 35. Only one New England Senator (a Democrat) voted for annexation. Only one Whig (Henderson of Mississippi) voted for annexation.

so many votes to the abolitionist Liberty Party that he lost New York, and with it the presidency.<sup>1</sup> The mandate of the people was clear—the star of "manifest destiny" was hanging in the western sky. Victo  
of Pe

Tyler did not wait for his successor to garner all the fruits of his victory at the polls. In his annual message of December 1844 Tyler proposed a joint resolution for the admission of Texas to statehood in the Union. Convinced that early action was necessary to checkmate England, the House approved in January; but Benton's opposition in the Senate delayed final action until the end of February. On March 1 Tyler signed the joint resolution, and on his last day in office extended the official invitation to Texas.<sup>2</sup> Tyler had achieved his great purpose, and Andrew Jackson could die happy. At dusk, June 8, 1845, Samuel Houston on a pilgrimage of love arrived at the Hermitage. The Old Hero had just breathed his last. Texa  
invit.

Texas, therefore, had the opportunity of choosing between union with the United States or independence recognized by Mexico (providing Texas would never be annexed by a third power) and guaranteed by Great Britain and France. On July 4, 1845, the Texan Convention voted 55 to 1 in favor of the American offer, and on December 29 was formally admitted to the Union.

In the acquisition of Texas nothing but formalities remained

<sup>1</sup> The electoral vote was 170 for Polk and 105 for Clay.

If Clay had not qualified his original position (by saying that he favored annexation if it were "without dishonor—without war, with the common consent of the Union, and upon just and fair terms") he might well have lost some states that he did carry. Tennessee, for example, gave him a popular plurality of a little more than 100 votes. Without Tennessee's 13 electoral votes he would have lost even though he had carried New York.

James G. Birney, as in 1840, was candidate for the Liberty Party.

Tyler was nominated by his friends on the sole issue of annexation, but he withdrew from the race lest he endanger Polk's chances.

<sup>2</sup> A treaty requires a two-thirds vote of the Senate; a joint resolution, only a simple majority of both houses. The resolution passed the Senate (February 27) 27 to 25 and was accepted by the House (February 28) 132 to 76.

By the terms of the resolution Texas was required to accept certain conditions including: adjustment by the United States of all boundary questions; Texas to cede all public buildings, fortifications, etc., but retain her debt and public lands; and, with the consent of Texas, new states (not exceeding four) might be created from Texas, of which those north of 36° 30' must be free—those south free or slave as the residents might desire.

for Tyler's successor; but if the demands of expansionists were to be satisfied, that same President could expect a busy administration. James Knox Polk was just the man to carry out the pledges of his party.

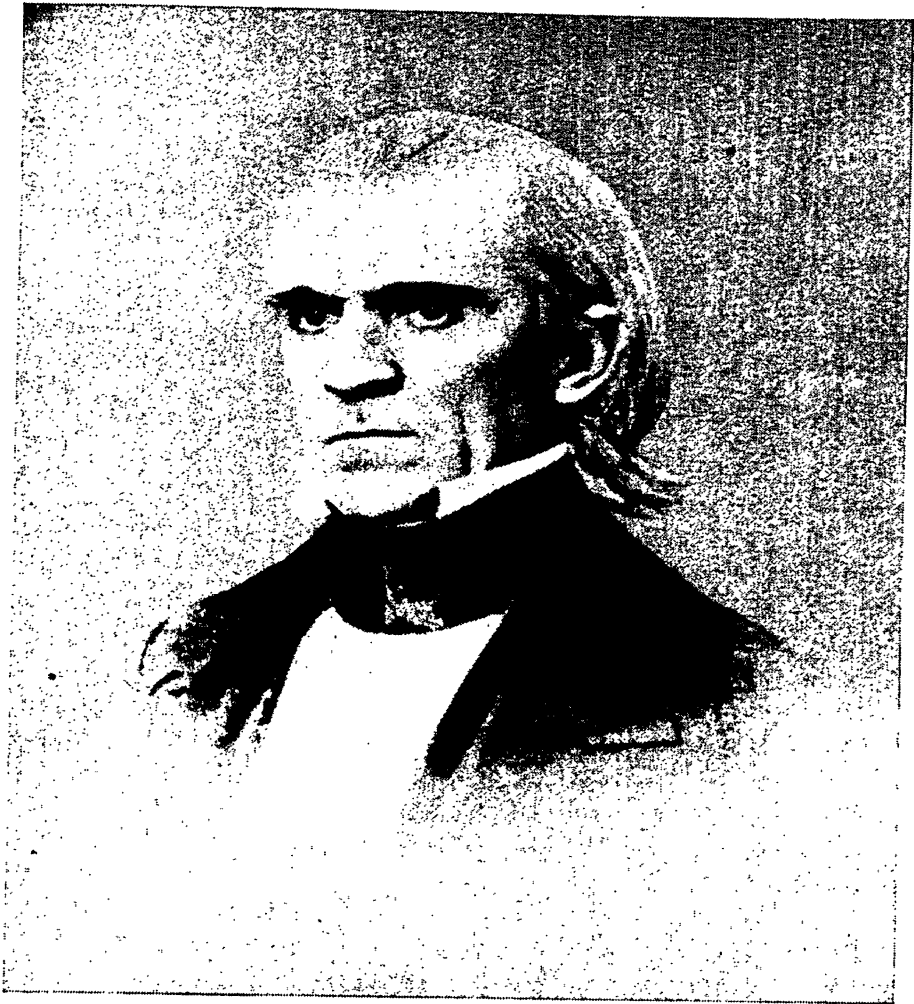
*President  
Polk*

Scotch by ancestry, "tar-heel" by birth, patient, honest, and devoid of deceit, a strict sabbatarian with the sad face of an ascetic who drove his frail body to exhaustion, this youngest of all Presidents, thus far, assumed the duties of his high office with cold determination to carry out the will of the people as shown by the late election. As a student at the University of North Carolina he had taken first honors in mathematics and the classics; as speaker of the national House of Representatives he had kept his poise under such heckling as no predecessor had suffered. It was admirable training for the labor and abuse which was in store. While in the White House nearly all his waking hours were spent at work, and in four years' time he took only two short vacations. Under normal conditions Polk would have been given credit for great achievements, but he failed to satisfy the extremists North or South, and he had few friends to sing his praises. He chose an able cabinet,<sup>1</sup> which he dominated to the end; and he carried out his announced purpose of reducing the tariff, re-establishing the Independent Treasury, settling the Oregon boundary question, and acquiring California.

*The Oregon  
question*

Although Polk was deprived of the honor of annexing Texas he had to face the consequences—which might be war. Mexico had announced that it would, and severed diplomatic relations a few days after the passage of the joint resolution. Polk had no intention, however, of evading the Oregon question. Would he fight for "fifty-four forty"? His diary shows that he did not shrink from war but he much preferred a peaceful compromise. On July 12, 1845, therefore, Buchanan renewed the old offer for a division of the territory by extending the forty-ninth parallel to the Pacific. This the British flatly rejected. Polk then declared that American claims to the whole of Oregon were sound, and directed Buchanan to inform the British that we must have every-

<sup>1</sup> It included James Buchanan, Secretary of State, Robert J. Walker, Treasury, William L. Marcy, War, and George Bancroft, Navy. Bancroft is best known as an historian. While Secretary of the Navy he obtained the establishment of the Naval Academy at Annapolis.



JAMES K. POLK. FROM A PHOTOGRAPH BY POOLE ART CO., NASHVILLE, TENN.

*Courtesy of the New-York Historical Society, New York City*

thing to  $54^{\circ} 40'$ . When the Secretary expressed fear that this would mean war, Polk replied that he must do his duty "and leave the rest to God and the country." In his message to Congress, December 1845, the President confirmed his position, invoked the Monroe Doctrine, and asked Congress to authorize the

necessary year's notice for terminating the joint occupation agreement of 1827.<sup>1</sup> In his diary he wrote, "The only way to treat John Bull is to look him straight in the eye."

*British  
reaction*

"John Bull" did not want a fight, but he was not hanging back. There was a strong feeling that the Americans were overdoing the gentle art of twisting the lion's tail. Popular opinion in both countries stiffened; but wiser counsels prevailed. In Congress the Southern members, having acquired Texas, were losing enthusiasm for Oregon, especially on the threat of war, while, under the circumstances, Eastern Whigs could not be expected to support the Democratic program. Calhoun and Webster joined forces, and when the notice was given in April 1846 it was with the expressed wish that a friendly adjustment might be made. The next move must come from Great Britain.

*Settlement  
by treaty*

Meanwhile feeling in both countries was being improved by movements toward free trade in England and tariff reduction in America—movements which culminated in 1846 with the repeal of the British corn laws and the enactment of the Walker tariff. Indeed the close economic ties between the two countries may be looked upon as an important factor making for continued peace in 1842, when Webster and Ashburton were negotiating, as well as in 1846. England was the chief market for American raw materials, while the United States was the best customer for British exports. In England, moreover, there was a growing belief that colonies were liabilities rather than assets, and there was no desire to fight for something so distant as Oregon. Aberdeen, therefore, sent over the draft of a treaty accepting the forty-ninth parallel but leaving Vancouver Island intact to the British and permitting the navigation of the Columbia to the Hudson's Bay Company. Polk immediately submitted it to the Senate for advice and consent. The Senate approved (June 10, 1846), Buchanan and Packenham then signed, exactly as submitted by the British, and the Senate formally ratified (June 18) by a vote of 41 to 14.

<sup>1</sup> American claims north of 49 were worthless. Americans had made no explorations or settlements there; moreover, the government had repeatedly offered to accept the forty-ninth. This was done in 1818, 1824-1826, 1827, 1842, and 1844. In 1824 Great Britain was willing to accept the line as far as the Columbia, then follow that stream to the coast.

Before Polk sent in his message he had information from London which made it appear evident that an agreement could be had on 49.

When the smoke cleared it became clearly evident (1) that the territory in dispute was the triangle of territory between the Columbia River and the forty-ninth parallel; and (2) that British claims to this area were far better than the American. Thus the American loss of territory in the Northeast (1842) which rightfully was hers was more than offset in the Northwest four years later. In the first instance Webster made concessions in the cause of peace; in the latter the British returned the favor. Polk won a major victory through diplomacy, rather than war, because good sense prevailed on both sides. Unfortunately the converse was true in every respect in our relations with Mexico. War with that unhappy country already had begun.

The fundamental cause of the war was the annexation of Texas; nevertheless, there is every reason to believe it could have been avoided had Polk not been determined to have California as well, and had Mexico not played a dog-in-the-manger role respecting Texas. It is easy to sympathize with the Mexican attitude toward Texan independence—won as it was through the assistance of hundreds of American volunteers seeking glory and lands. American neutrality laws were inadequate, but under the circumstances could not have been made really effective. Laws were never enacted which could effectively restrain American frontiersmen spoiling for a fight. If Mexico had a case she never pressed it.<sup>1</sup>

*Why war  
with Mexico*

American recognition of Texas independence was not too hasty, and after nine years as an independent state—during which time Mexico never seriously undertook to reestablish control—with the recognition of England, France, and other countries, Texas enjoyed a perfect right to join the United States if mutually agreeable. The persistent Mexican refusal to recognize Texas (although willing to do so in 1845 providing she would not join the United States); the announcement in 1843 that annexation would be considered "equivalent to a declaration of war against the

*Mexico and  
annexation*

<sup>1</sup> The action of General Gaines in occupying Nacogdoches (July–November 1836) after the battle of San Jacinto falls in a different category and has been almost universally censured as evidence that Jackson's administration was taking steps to ensure Texan independence. Under indefinite instructions from the War Department, Gaines took steps to meet Indian unrest on the border. The territory invaded was still under dispute between the United States and Mexico; moreover the treaty of 1832 could be interpreted as giving the right to pacify the Indians when Mexico was unable to do so.

Mexican Republic"; and the severance of diplomatic relations with the United States—all were actions which could hardly be justified by the circumstances. A proud-spirited people may have deep-seated convictions concerning the morality of the deportment of another; but the justice of a given act must be determined by the law of nations.

*Polk and  
Mexico*

When news of Texas' acceptance of the terms of annexation reached Mexico in July 1845, feeling mounted to a high pitch. Money was appropriated, steps were taken to increase the army, and munitions were collected at Matamoras on the Rio Grande. By midsummer Mexico informed her ministers in London and Paris that she would appeal to arms. Meanwhile for Polk there was no proper course but to make provisions against possible attack. This he did with an eye to the acquisition of still more territory. Morally obligated to protect the Texans, he ordered General Zachary Taylor with a detachment of the regular army into Texas (June 1845), and as a further precaution had American squadrons assume strategic positions in the Gulf of Mexico and off the coast of California.

*California*

Political interest in California, where Mexican control had long ceased to be felt, had kept well abreast of American infiltration. The Yankees on that distant coast were relatively few in number, but a large proportion of them had "left their consciences at Cape Horn," and by the early 'forties were willing and able to upset the *status quo* of the scattered and sleepy settlements in behalf of a movement for independence. Polk's restless and roving eye could see in this sunny land another Texas in embryo, and he was not indisposed to lend Manifest Destiny a helping hand.

James Polk was not the first President to entertain hopes of bringing California into the American fold. In 1835 Jackson had directed his secretary of state to offer half a million dollars for San Francisco Bay and the surrounding area. Nothing came of it. Tyler and Secretary Webster fostered similar hopes, bolstered by a report from the American minister in Mexico, Waddy Thompson, who described California as "the richest, the most beautiful, the healthiest country in the world." But once again the illimitable forests and open spaces of the golden land eluded American anchorage. Mexico was not willing.

In the early 'forties, among informed men, it was taken for granted that the desirable region would soon be annexed by some power. Russia had been out of it since 1825, though she did not sell her fur-trading posts near San Francisco until 1841. British interests were keen and seemed the more dangerous to Tyler and Polk because of recent activities in New Zealand, Hawaii, and other parts of the world. In 1842 England sent a consul and a naval officer to California. They joined the British residents in urging their government to acquire the province. Rumors reached Washington that Great Britain and France would take land cessions in California in settlement for defaulted claims of their subjects against Mexico. Finally in May 1846, just before the outbreak of the Mexican War, the president of Mexico offered to transfer California to Great Britain in exchange for a loan. Historical investigation has shown that while British and French ministers, consuls, and residents in Mexico and California were urging their governments to take the province, neither was willing to assume the responsibility. However, as in the case of Texas, both desired to keep it from the United States. Any explanation of Polk's determination to force a settlement with Mexico must take into consideration his fear of British influence in Mexico and California.

*Fear of  
British  
interests*

Meanwhile Tyler and Polk were not idle. In 1842 an American squadron under Commodore Thomas Ap Catesby Jones, hearing that war had begun, seized Monterey and ran up the American flag. It was an embarrassed Jones who learned the next day that the rumor of war was false. Monterey was restored with apologies, and the overzealous commodore was temporarily relieved of his command. However, one play out of turn did not dampen American interest in the land beyond the Sierras. In 1843 Frémont was exploring in the region. On June 24, 1845, the Navy Department sent secret orders to Commander John D. Sloat, of the Pacific squadron, directing the immediate seizure of California if he should "ascertain with certainty" that war had begun with Mexico. On October 17, 1845, Buchanan dated instructions to Thomas Larkin, American consul at Monterey, that he take no part in conflicts between California and Mexico unless Mexico declared war, but to assure the Californians that if they should

*Precaution-  
ary measur-  
taken*



become independent they would be received into the Union when it could be done "without affording Mexico just cause for complaint." Furthermore, he must counteract British and French aggressions by friendly appeals to the Californians. In this same autumn Frémont turned up in California once more. The messenger (Lieutenant Gillespie) who bore the instructions to Larkin reached Monterey on April 17, 1846.

*Slidell's  
mission  
to Mexico*

While the "California Pear" was ripening for the American harvest, Polk took steps toward the settlement of all difficulties outstanding with Mexico. After sounding out the Mexican government to determine whether friendly relations might be restored, he was informed by the Foreign Minister that a "commissioner" with full powers to settle the existing dispute would be received from the United States, providing the American fleet be withdrawn from the region of Vera Cruz. This offer reached Washington in November 1845. Polk responded immediately (November 10) by commissioning a "minister," John Slidell of Louisiana, rather than a "commissioner." Why he did so is not known; probably he did not appreciate the difference—a distinction dear to Mexico, and valid too,<sup>1</sup> but nevertheless a technicality that might have been waived with advantage to Mexico.

*His  
instructions*

Slidell's instructions called for the Rio Grande as the Texas boundary, a full settlement of pecuniary claims against Mexico, and the purchase, if reasonably possible, of New Mexico and California. Furthermore he was to say that the United States could not permit California to fall to some other country. The claims against Mexico, which extended over many years, were for losses sustained by American citizens in violation of international law. In 1839 Mexico agreed to such payments as might be determined by a mixed commission. She defaulted in 1843 after paying the arrears of interest.<sup>2</sup> During the same period several American states were defaulting on bonds, to the disgust of European holders who failed to see any difference. France used force to collect debts

<sup>1</sup> In receiving a minister Mexico would be resuming diplomatic relations, and, under the circumstances, be admitting tacitly that she had not been justified in severing them at the time of the Texan annexation.

<sup>2</sup> Claims awarded by the mixed commission totalled \$2,026,199.68. Other claims amounted to \$3,336,837.05. All claims, as adjudicated by a United States commission in 1851, amounted to \$5,208,314.96.

in 1838; Slidell was instructed to assume the claims in return for Mexican recognition of the Rio Grande boundary. While Slidell was in the business he might offer five millions for New Mexico, and twenty to twenty-five for California. Indeed, in the case of the latter, "money would be no object." Polk was willing to pay forty millions, and the cabinet concurred unanimously. Although Polk was eager to acquire additional territory, and would not object to a war if necessary to obtain it, he was demanding nothing except that which Texas claimed and which he felt obligated to secure. On the other hand, in annexing Texas the United States was not pledged to secure the Rio Grande, while Texas was required to accept the adjustment by the United States of "all questions of boundary."

The disputed area, much of which was of slight value, was between the Nueces and the Rio Grande. Historically, the Nueces was the boundary—so far as one had ever existed—but when President Santa Anna was Houston's prisoner he signed a treaty recognizing the Rio Grande. This constituted the principal basis of Texas' claims, but inasmuch as the treaty was signed under duress, and was not ratified by the Mexican Congress, it could have no standing in international law. Moreover Texas had been unable to establish real authority beyond the Nueces, particularly in the region of Santa Fe.

*The Texas  
boundary*

What success might have attended Slidell's mission had he been a mere "commissioner" sent to adjust a boundary instead of demanding the Rio Grande is a matter for speculation. Actually he was never officially received, and for the reason that President Herrera and his successor, Paredes, dared not risk the unpopularity of a peaceable settlement with the United States. Slidell arrived just when Mexico was slipping into one of her chronic revolutions. Although Herrera would not receive Slidell he was overthrown on the charge of "seeking to avoid a necessary and glorious war." His successor took an oath to defend Mexican claims to everything as far as the Sabine. The vocal portion of Mexico was spoiling to teach the "bullies of the North" a lesson in international good manners, and Polk was yearning for more territory. For several reasons Mexicans favored war and believed they could defeat the United States: Mexico's army was over four times as

*Slidell not  
received*

large as the American; further, it was believed that sectionalism would prevent united action and that the Oregon dispute would lead to British intervention.

*Taylor  
to the  
Rio Grande*

In January 1846, when Polk received word that Herrera had refused to receive Slidell, he ordered Taylor to advance from the Nueces, where he had been located since August, to the Rio Grande. Attempting thus to force the boundary settlement, Polk inflamed Mexican passions and precipitated a war which tact and forbearance might well have prevented.

Taylor reached the Rio Grande about the end of March and took up a position opposite the Mexican town of Matamoras. The Mexican general in charge of the district ordered him out of the disputed zone. Taylor remained. On April 23 President Paredes declared a "defensive war," and two days later a Mexican force crossed the Rio Grande and fell upon an American scouting party, killing a portion and capturing the rest.

*Polk and  
Santa Anna*

Meanwhile Polk was conducting informal negotiations with an agent of the exiled Santa Anna. Polk was given assurance that if he would make strong naval and military demonstrations the people of Mexico would demand the supposed military genius of Santa Anna, who, once again in power, would then grant the desired territory for thirty millions. Polk distrusted Santa Anna, but after the war had begun he not only permitted the charlatan to return to Mexico but asked Congress for an appropriation to facilitate negotiations.

*War begins*

On Saturday May 9, 1846, the day after an interview with Slidell who had just returned from Mexico, Polk informed the cabinet that he had decided to send a message to Congress on Tuesday asking for authorization to use force for the settlement of the claims. All the members, except Bancroft, agreed. The message was never sent; for that same evening despatches arrived from the Rio Grande with news of the attack on Taylor's forces. Polk immediately reassembled his cabinet, and before midnight there was unanimous agreement that a war message should go to Congress on Monday. With the help of Bancroft and Buchanan the President spent the Sabbath (except two hours at church) writing his war message. The burden of his argument was that Mexico "has invaded our territory, and shed American blood upon the

American soil." Congress responded with a declaration (May 12) so nearly unanimous as to suggest that the war was essentially a popular one, although a strong minority condemned it unsparingly.<sup>1</sup> Calhoun, among others, strongly objected to the preamble fastening the blame on Mexico. In the next Congress a gangling young Whig from Illinois focused attention on the still debated question of responsibility by introducing resolutions demanding that Polk indicate the spot of American soil where American blood was shed. His name was Abraham Lincoln.

Polk was a slaveholder, but his expansionist desires were not influenced in any way by the "peculiar institution." The great champion of slavery, Calhoun, opposed the war, though probably because he was afraid territory unsuited to slavery might be acquired. The older statesmen of the South were for the most part content with Texas. Nevertheless, abolitionists looked upon the war as a crime perpetrated upon an innocent neighbor by the "Southern Slavocracy." Webster and Adams expressed violent opposition to a war which the Massachusetts legislature declared "wanton, unjust and unconstitutional." New England showed the same attitude toward territorial expansion that she expressed at the time of the Louisiana purchase. She feared slavery extension and the added opposition to protective tariffs. Tom Corwin, congressman from Ohio, declared that if he were a Mexican he would greet Americans "with bloody hands and welcome [them] to hospitable graves." Abolitionist poets were even more outspoken than statesmen. The snobbish Lowell expressed honest opinions in highly popular doggerel:

*Opposition  
to the war*

Them thet rule us, them slave-traders,  
Haint they cut a thunderin' swarth  
(Helped by Yankee renegaders),  
Thru the vartu o' the North!

They jest want this Californy  
So's to lug new slave-states in

<sup>1</sup>The vote was 174 to 14 in the House and 40 to 2 in the Senate. There was pronounced opposition on the part of many Whigs, but they were not disposed to "stick out their necks." Instead, by voting war and supplies, they would help the Democrats to all the rope they needed to hang themselves.

To abuse ye, an' to scorn ye,  
An' to plunder ye like sin.

Wy, it's jest ez clear ez figgers,  
Clear ez one an' one make two,  
Chaps thet make black slaves o' niggers  
Want to make wite slaves o' you.

Ez fer Mexico, 't aint no great glory to lick it,  
But 't would be a darned shame to go pullin' o' triggers  
To extend the aree of abusin' the niggers.

*Sectional  
reaction*

Immediately after declaring war, Congress appropriated \$10,000,000 for war expenses, and authorized the enlistment of 50,000 soldiers. In the Mississippi Valley the war was welcomed with enthusiasm, and volunteers flocked to the colors eager for an outing in the romantic land of the Montezumas. But in New England and the Old South there was much opposition. The thirteen original states furnished only 13,000 volunteers; the Mississippi Valley and Texas almost four times as many.<sup>1</sup> Enthusiasm for expansion was definitely Western rather than Southern.

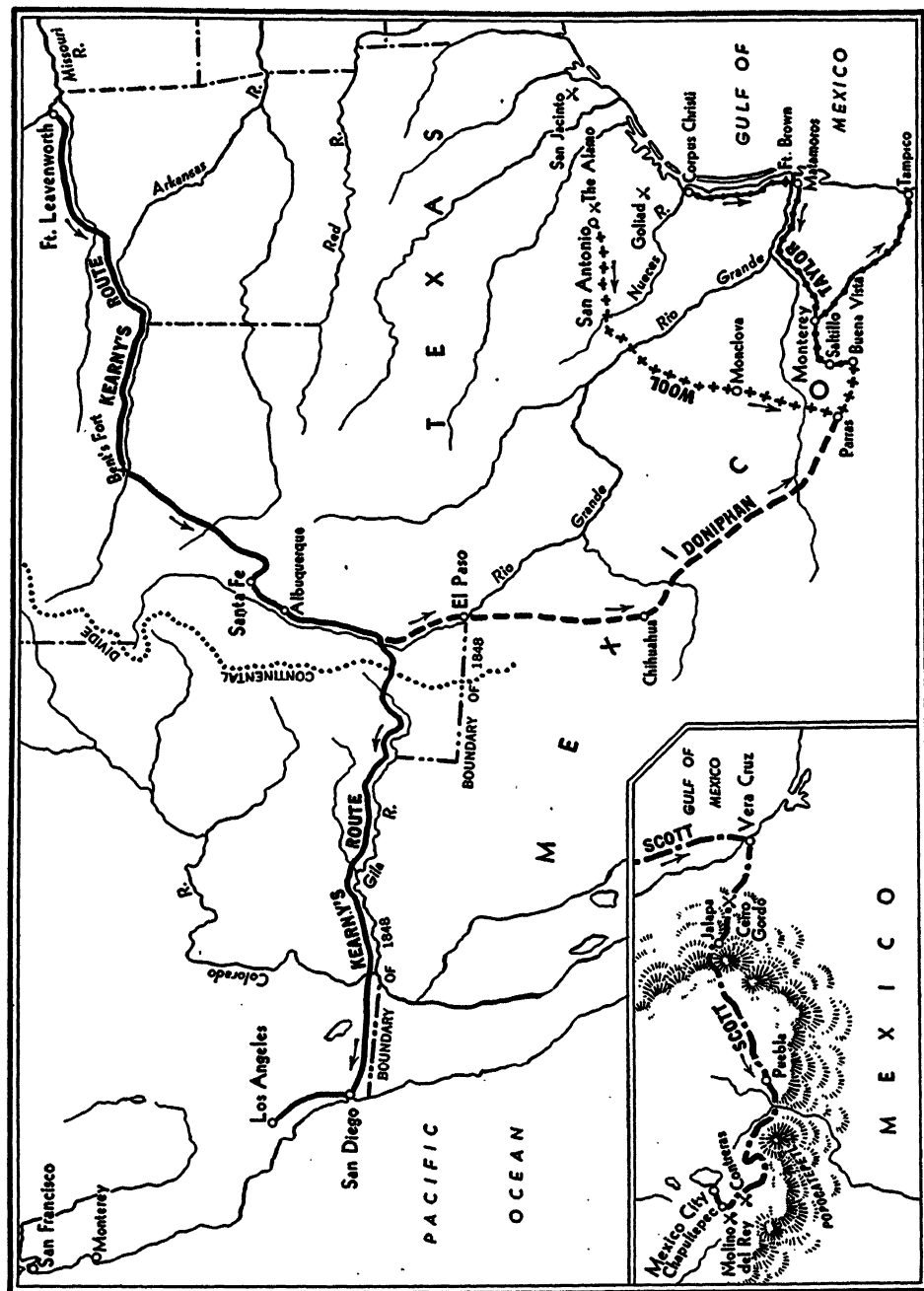
*Plan of  
campaign*

The plan of war, as worked out by Polk, Marcy, and General Winfield Scott, commander-in-chief of the army, called for an invasion of Mexico from the Rio Grande and the conquest of New Mexico and California. On paper, winning the war looked relatively easy. The population in these areas was sparse and far distant from Mexico City. A vigorous thrust, and the war would end with the United States in possession of the territory which Polk had tried to purchase!

*Whig  
generals*

But unforeseen difficulties appeared. Polk's first campaign was with his ranking generals, Scott and Taylor, both of whom Polk distrusted because they were Whigs. They might fight without enthusiasm or, on the contrary, achieve such success as to wreck the Democrats. In those days a military hero was strong political medicine. To save the situation Polk proposed reviving the old rank of Lieutenant-General and appointing a good Democrat to

<sup>1</sup>In Tennessee the response of volunteers was so great that its citizens have since been known as the "Volunteers."



TEXAS AND THE WAR WITH MEXICO

the supreme command. The aged Benton, with slight military experience, was sounded for the post. He was willing, but Congress was not; so Polk had to make the most of his seasoned army officers. Meanwhile Scott was directed to take charge of operations; but he insisted on elaborate preparations which led to complaint. The General then roundly criticized the President, and was excused from commanding the "army of occupation."

*Taylor  
advances*

While Scott cooled his heels at Washington, Taylor was trying to carry out his orders to advance on Mexico City. He had won two small engagements before war was declared, then he settled down to wait for men and supplies. Poor transportation, green recruits, and sickness greatly complicated his problems. Polk, who had never been in Mexico, could not understand why the army did not advance, living off the country. In early August, with about 6000 men, Taylor moved forward, and after a brilliant engagement (September 21-23) captured Monterey.

*Conquest of  
New Mexico*

Before any other operations of importance took place on the eastern front, New Mexico and California had fallen to the Americans. In the early summer of 1846 Colonel Stephen W. Kearny was ordered to raise an army on the Missouri border and march to Santa Fe and California. With his "Army of the West," composed for the most part of hard-bitten and profane Missouri volunteers, he moved upon Santa Fe, which he occupied in August without a blow. After making arrangements for a territorial government and leaving orders for his troops, he took 300 dragoons and started for California.<sup>1</sup> A few days out he met Kit Carson bearing the news that California was already in the hands of the Americans. With 100 men Kearny pushed on toward California to assume the military governorship according to his orders.

*California*

The movement which resulted in the conquest of California was under way before war with Mexico began. California without war must have become American territory by the same process

<sup>1</sup> A portion of his command was a battalion of about 500 Mormons enlisted at Council Bluffs. These were to follow him to California. The Missouri volunteers under Colonel A. W. Doniphan were to join the forces of General J. E. Wool at Chihuahua. Wool commanded the "Army of the Center," whose mission was to seize northern Mexico. He collected an army of 3000 at San Antonio, Texas, and crossed the Rio Grande in October 1846. Eventually he joined Taylor.

Doniphan and his Missourians defeated four times their number in battle; took Chihuahua, and at last returned home by way of Matamoras and New Orleans.

of penetration that resulted in the acquisition of Texas and Oregon. The war merely hastened the process.

In 1846 there were probably 7000 people of Spanish descent in California, and a fourth as many Americans. Accumulating friction between them burst out in open rebellion on June 14, 1846, when Americans in the Sacramento Valley, having heard that forces were being raised to expel them, rose up and proclaimed the "Bear Flag Republic." Frémont, who had wintered in California but had finally gone to Oregon after being ordered from the country, hastened back when instructions from Washington, carried by Lieutenant Gillespie, reached him on May 9.<sup>1</sup> After hesitating until he learned that war had been declared between the United States and Mexico, Frémont accepted leadership of the Bear Flag "revolution." Its duration was brief. On July 7 the stars and stripes superseded the Bear flag, with its red star and amateurish bear, when Commander Sloat seized Monterey and proclaimed the annexation of California to the United States. Thus the Bear Flag revolt merged into the war with Mexico. In the fall a counter-revolution flamed fitfully for a few weeks in the region of Los Angeles, but in January 1847 all resistance ceased.

In the same week of September 1846 that Taylor captured Monterey, Santa Anna, who had returned to Mexico with Polk's assistance, was appointed commander of "The Liberating Army." *New plans for Mexico* The war was assuming more serious proportions than Polk had anticipated. Because of Taylor's slow progress in moving southward it was decided to set in motion the long-considered expedition to Mexico City by way of Vera Cruz. For this campaign Scott was chosen because Taylor was thought to be too much influenced by Whig politicians.

In December 1846 Scott arrived at Matamoras and began

<sup>1</sup> Gillespie had carried Buchanan's instructions first to Larkin, then a copy to Frémont, also letters from Benton, Frémont's influential father-in-law. Whether he carried secret instructions remains an unsettled question.

The military nature of Frémont's expedition, as well as his strange deportment, suggest that he was in California for the purpose of aiding a revolution. It must be remembered, however, that Buchanan's despatch to Larkin—the only official document borne by Gillespie, so far as is known—was carried from Washington before Slidell's instructions were drafted. It is highly improbable that Polk was considering the seizure of California, and drafting instructions accordingly, before Slidell had had a chance to purchase California at a very high price if necessary.



*Buena Vista* preparations for his campaign. To the great indignation and disgust of "Old Rough and Ready," about half of his army was given to Scott. Thus weakened, Taylor was soon to face the greatest test of his military career. For Santa Anna, learning through intercepted despatches of the changed plans, advanced northward with an army of 20,000 for a counter-attack. At Buena Vista (February 22, 1847) Taylor's army, with about one-fourth as many men, awaited the attack resolved to win or die for the "honor of Washington." Taylor's brilliant victory the next day finished the serious work for the "Army of Occupation," and headed a new war hero straight for the White House. Among those who fought with him that day were William T. Sherman, George H. Thomas, Braxton Bragg, and John F. Reynolds—all of Civil War fame—but none won greater distinction than Taylor's son-in-law, Jefferson Davis.

*Scott's  
campaign*

On March 9, 1847, Scott landed his army of about 12,000 men near Vera Cruz. A month later, having taken the town without great difficulty, he hurried his flea-bitten army away from the coast in order to escape the dangers of the approaching season of yellow fever. Following the route taken by Cortez over three centuries before, "Old Fuss and Feathers" pointed his army toward Mexico City 250 miles away. Arriving in two weeks at the first mountain range, about eighty miles from the coast, the advance was blocked at Cerro Gordo pass by a much larger army, strongly intrenched under Santa Anna who had hurried south from Buena Vista. In a two-day engagement the Mexican army was put to flight with a loss of 3000 prisoners and large quantities of supplies. Largely responsible for the brilliant victory was a captain of engineers, Robert E. Lee, who found a road by which to flank the enemy from a direction whence Santa Anna believed not even a goat could approach. Ably assisting in the execution of the flanking movement were Lieutenants Pierre G. T. Beauregard and George B. McClellan.<sup>1</sup>

Advancing then to Puebla, eighty miles from Mexico City,

<sup>1</sup> When the roster of officers in Scott's army is reviewed in the light of military successes in the Civil War, it is not so surprising that high achievement attended the advance. In addition to those already mentioned might well be included: U. S. Grant, J. B. Magruder, Phil Kearny, James Longstreet, Joseph Hooker, Joseph E. Johnston, George G. Meade, George Pickett, and Thomas ("Stonewall") Jackson.

Scott settled down to enforced inactivity while half his army was replaced by recruits who took the place of volunteers whose term of enlistment had expired. Meanwhile Scott was coming to an understanding with Nicholas P. Trist, chief clerk of the State Department, who arrived at headquarters early in May. Trist was a "commissioner plenipotentiary" of the President, bearing instructions to make peace, at any time Mexico was willing, on the terms offered by Slidell. He bore the olive branch; Scott the sword. It was what Polk called "conquering a peace." At first, by reason of a misunderstanding for which neither was wholly responsible, Scott and Trist quarreled bitterly, but at length a jar of guava jelly paved the way to friendly cooperation.

*Trist arrives*

Santa Anna secretly agreed to negotiate providing \$10,000 was paid immediately and a million as soon as the treaty should be ratified by Mexico. Scott supported Trist and advanced the \$10,000, but in the face of opposition from his generals Santa Anna lost his nerve. On August 7 Scott broke connections with the coast, and in two weeks of stiff marching and fighting was at the suburbs of Mexico City. Just in time to stop the final assault, Santa Anna asked for a truce. An armistice was signed (August 24), but while Trist vainly tried to negotiate, Santa Anna violated its terms by strengthening his defenses. On the importunities of the politicians he then risked a fight to the finish.

*Negotiation attempted*

All the military forces of Mexico were massed for the defense of the great city. Thirty thousand soldiers (including 2000 convicts who were finally released from prison), with vastly superior artillery, were fighting for the homeland against the hated foreign invader. The American army, only one-third as large, was cut off from the outside world, and would be at the mercy of the country if defeated. Santa Anna might well hope for victory, but the superior discipline and leadership of his foe were not to be denied.

On September 8 the bloody battle of Molino del Rey brought the victorious Americans to the towering and heavily fortified hill of Chapultepec. This they stormed five days later in the bloodiest engagement of the war, and the next day entered the city on the heels of the disintegrating Mexican army. Among

*Fall of Mexico City*

those who rendered yeoman service was Lieutenant U. S. Grant who placed a mountain howitzer in the tower of a church. Once more Santa Anna sought safety by fleeing the country. In those last hard days of desperate fighting there were many who won distinction. Among those singled out by General Scott for special commendation was Lieutenant Thomas Jonathan Jackson, better known as "Stonewall," a name won on a later field of battle. But for the entire campaign the general's highest praise was reserved for Lee.

*Treaty of  
Guadalupe  
Hidalgo*

Poor Mexico had no choice but to accept peace on American terms, but for two weeks no government could be found willing to negotiate. In October, because he was thought to be a mere dupe of Santa Anna, Trist was recalled. But with the approval of Scott he proceeded in accordance with his original instructions. He fully appreciated the serious nature of his action, but was afraid that delay might mean a prolongation of the war. By the terms of the Treaty of Guadalupe Hidalgo (signed February 2, 1848) Mexico acknowledged the Rio Grande boundary and ceded New Mexico and California. In return the United States was to pay \$15,000,000 and assume the claims of its citizens up to \$3,250,000.

*The treaty  
ratified*

In the United States a growing spirit of expansion was clamoring for more of Mexico—even the whole of it. Buchanan advised the repudiation of both Trist and his treaty.<sup>1</sup> But the President had obtained what he sought, and submitted the treaty to the Senate on February 23. On that same day J. Q. Adams, bitter opponent of the annexation of Texas and the war, died in the Speaker's room of the Capitol. After a bitter debate the treaty was ratified (March 10, 1848) 38 to 14.

Under Polk the territory now within the forty-eight states assumed its present boundaries, save the Gadsden strip south of the Gila river purchased in 1853. Having performed the tasks he had set for himself, Polk died less than four months after retiring from the presidency, leaving posterity to debate the merits of his accomplishments.

<sup>1</sup> Trist was dismissed ignominiously, but his was the courageous decision which terminated a war which otherwise must have resulted in the taking of much more territory. Not until 1871, when he was a feeble old man, did Congress appropriate money for his salary after recall, and for personal expenses.

## Chapter Thirty-Eight

### THE COMPROMISE OF 1850

THE ANNEXATION of Texas produced a war. The war resulted in further territorial expansion which, in turn, led to a struggle over the status of slavery in the lands thus acquired—a struggle so bitter as to threaten imminent disunion. Indeed the fight began in Congress before the spoils were won.

In the summer of 1846 President Polk asked Congress for \$2,000,000 to enable him to make peace with Mexico (actually to facilitate settlement by the purchase of territory, as Santa Anna had proposed). To a bill introduced in the House for that purpose, David Wilmot, a Pennsylvania Democrat, offered an amendment (August 8) providing that "neither slavery nor involuntary servitude shall ever exist in any part of said territory" that might be acquired by any treaty with Mexico.<sup>1</sup> Wilmot represented disgruntled Northern Democrats who felt that they had got the short end of the deal when the South secured Texas to the Rio Grande, while Polk with Calhoun's assistance accepted the forty-ninth parallel in Oregon after much yapping by the populace about "Fifty-four, forty or fight." Although the "Wilmot Proviso," as it was soon called, failed in the Senate, it provided a rallying principle for those Northerners who opposed the Mexican War as a war of aggression waged for slave expansion. It was soon endorsed by the legislature of every Northern state except Iowa, and Wilmot found himself lifted from obscurity and proclaimed a statesman.

*The "Wilmot Proviso"*

<sup>1</sup> The phrase was an adaptation from the Northwest Ordinance of 1787. The authorship of the amendment has been mistakenly attributed to Jacob Brinkerhoff. It is probable that Wilmot was motivated by a desire to strengthen his standing with his constituents who had been antagonized by his failure to fight for a protective tariff. He was the only Pennsylvanian voting for the Walker Tariff, which reduced duties on iron products. Some historians believe that the Wilmot Proviso was primarily a Pennsylvania retaliation on the South for its part in reducing protection on iron.

*Southern  
opposition*

When the Proviso was presented in the next session of Congress Calhoun took the warpath; radical Southerners rallied to the sounding tocsin, and the fight was on. The Virginia legislature approved Calhoun's position by declaring that a choice between "abject submission to aggression and outrage" and "determined resistance . . . at all hazards, and to the last extremity" should not be difficult. Every Southern legislature, save one, endorsed the sentiment. Southern radicals freely calculated the value of the Union and talked secession, while self-righteous abolitionists reviled "Polk the Mendacious."<sup>1</sup> In subsequent years the Proviso emerged repeatedly in some form—Abraham Lincoln, serving his first and last two years in Congress (1847–1849), said with poetic inaccuracy that he voted on it over forty times—and furnished a focal point for hotheads, both North and South, who were willing to endanger the Union by contesting the abstract question whether slavery should be barred from a region where, because of geographical conditions, it could not exist. Polk wrote in his diary that the slavery question "cannot fail to destroy the Democratic party, if it does not ultimately threaten the Union itself."

*Oregon  
Territory*

Meanwhile some of the practical difficulties presented by the problem were encountered in an attempt to organize a territorial government for Oregon. Until 1848 all efforts to that end failed because Northern members of Congress would not accept a Southern amendment providing for the exclusion of slavery because the territory lay north of 36° 30'. To do so would be to accept the principle of the Missouri Compromise, rather than the Wilmot Proviso, and thus to recognize the Southern contention that slavery should be admitted into territory acquired from Mexico. The South gave up the contest in 1848, and Oregon became a free territory without any qualifying pledges respecting other territories. The next year a bill to organize the territories of California and New Mexico with the restrictions of the Wilmot Proviso was killed in the Senate. Southern Whigs who voted for the Proviso in the interests of harmony were dubbed "Southern

<sup>1</sup> According to the Reverend Theodore Parker:

"If you take all the theft, all the assaults, all the cases of arson, ever committed in the United States since the settlement of Jamestown in 1608 [sic] and add to them all the cases of violence offered to women, with all the murders, they will not amount to half the wrongs committed in the war for the plunder of Mexico."

traitors," while Northern Democrats who did likewise were denounced as "dough-faces," a term John Randolph had used years before for Northerners with Southern principles.

To a rapidly growing number of Northerners the principle of the Wilmot Proviso represented the only acceptable solution for slavery in the territories. It rested upon the belief that Congress—exercising its constitutional right to "make all needful rules and regulations respecting the territory or other property belonging to the United States"—not only had the absolute power to admit or bar slavery as it saw fit, but under the new interpretation was morally bound to exclude it. Previously, when Congress had excluded slavery from a territory (Northwest Ordinance, 1787, and the Missouri Compromise, 1820) no one had seriously questioned its right to do so.

*The North and slave in the territories*

At the opposite extreme were many Southerners who accepted the opportune philosophy of Calhoun, adjusted as it was to the old doctrine of states rights. The territories, he reasoned, were the common property of the states, administered in their behalf by the Federal Government. Therefore, because the Constitution guaranteed the possession of property, it followed that legal property might not only be taken into any territory but must be given protection there. In other words, the constitutional rights of American citizens (including the right to hold property in slaves) automatically extended to all territory over which the flag might fly.

*Calhoun's view*

More and more Southerners were becoming alarmed lest the balance of the sections in the Senate be permanently overturned. Ever since the bitter contest over Missouri there had been no attempt to admit states except in pairs—Arkansas and Michigan in 1836 and 1837; Florida and Iowa in 1845 and 1846; and Texas and Wisconsin in 1845 and 1848—but the rapidly growing population of the North, coupled with increasing opposition to slavery, made it evident that states must soon be admitted from Minnesota and Oregon territories. The South would have no territories to match them unless slavery were allowed in New Mexico and California.

*Southern fears*

Between the extremes of the Wilmot Proviso and Calhoun's doctrine of "noninterference" were the friends of compromise

*"Squatter  
sovereignty"  
and 36° 30'*

with two solutions: "Squatter sovereignty," and a division of the territory. "Squatter sovereignty"—or "popular sovereignty" as it was soon to be called after Stephen A. Douglas became its greatest champion—was suggested by Lewis Cass of Michigan in 1847 as a political expedient for winning both Northern and Southern support in the coming election. It was the good old frontier idea of leaving the determination of the question to the people concerned rather than to Congress in which the territories were not represented.<sup>1</sup> The other group, of which Polk was a leader, proposed the practical expedient of dividing the territory by extending the Missouri Compromise line to the Pacific. Although this would have given the North a larger share than the South, many Southern leaders were willing to accept the solution; but stubborn Northern opposition killed it. Polk's last session of Congress ended with fist-fights in both Houses instead of legislation for the new territories.

*Presidential  
campaign,  
1848*

Meanwhile the nation went to the polls to choose a successor for Polk, who declined to run for a second term. Because the issues presented by the Wilmot Proviso strongly pointed toward a sectional alignment of parties, the greatest problem for the leaders of each party was to preserve unity. In their national convention the Democrats refused to take a position respecting slavery in the territories, and nominated Cass who was acceptable to the South because of his controversy with Webster over the right of search for the suppression of the slave trade. "Conscience" and "cotton" Whigs tried to bury the hatchet by dispensing altogether with a platform, and by resorting to the successful device of 1840—the nomination of a war hero. So once more the long-aspiring Clay was passed over, this time in favor of Zachary Taylor whose friends had been booming his candidacy since his victory at Buena Vista.

*Free Soilers*

But if the major parties sought to avoid disaster by ignoring the slavery question they could not smother the growing antislavery forces. The limping Liberty Party provided a nucleus for a

<sup>1</sup> In the South "popular sovereignty" was a phrase of old usage. During the struggle over the admission of Missouri, William Pinkney and others clearly expressed the idea when insisting that the sovereignty of a state might not be impaired by limitations imposed as a condition of admission to the Union. After 1847 the emphasis was upon the status prior to the time of admission.

consolidation with "Conscience" Whigs of New England and "Barnburners" of New York. The latter were out to get Cass' scalp for "stealing" the nomination from their champion, Van Buren.<sup>1</sup> The result was the formation of the Free Soil Party which nominated Van Buren and went before the people on a platform declaring for "no more slave states and no more slave territory," and with the slogan "Free Soil, Free Speech, Free Labor and Free Men." The Barnburners had their revenge. They polled so many votes in New York as to give the state and the presidency to Taylor.

"Old Rough and Ready" was a Virginia-born Kentuckian whose career as an army officer began in the War of 1812. After 1840 his residence was in Louisiana, but the ownership of many slaves in no wise affected his balance on the slavery question. Combining simple honesty and common sense with soldierly readiness for emergencies, he nevertheless had little acquaintance with public questions, and was a novice in the wiles of the politician. Taking office on Monday, March 5, 1849, he fain would have avoided doing battle with the nest of hornets stirred up by three years of growing rancor over slavery; but the course of events in California precluded the possibility.

*"Old Rough and Ready"*

On January 24, 1848, nine days before peace was signed with Mexico, a foreman of a gang of workmen engaged in digging a tailrace for a sawmill on the American River discovered gold. It was on the princely domain of Johann August Sutter, who had decided to add lumbering to his various other activities.

*Gold in California*

Sutter was a German Swiss who abandoned his wife, family, and debts, and in 1834 came to America. Four years later he started to California by way of the Oregon trail, reaching the Golden Gate fifteen months later by way of Honolulu and Sitka, Alaska. He immediately began the creation of New Helvetia from nothing except vision and an engaging personality. In 1841 he became a Mexican citizen, and induced the governor of California to grant him eleven square leagues of land (48,818 acres). Four

*John Sutter*

<sup>1</sup> Early in the 'forties the Democratic party in New York split into "hards" and "softs," or "Hunkers" (who were supposed to hunger or "hunker" for office) and "Barnburners." The "Barnburners" favored reform, and got their name from a fictitious Dutchman who burned his barn in order to kill the rats. They supported the Wilmot Proviso.



years later, in return for some slight military aid, he received an additional grant of twenty-two square leagues. At Sutter's Fort he befriended all Americans who came. He dominated so large an area as to constitute a decisive factor in the acquisition of California from Mexico.<sup>1</sup>

The attempt to keep the gold discovery a secret was futile. Ere long most of San Francisco had migrated to the diggings. Sailors left their ships stranded in the harbor, merchants closed their stores, one platoon of soldiers deserted *en masse*, and even the local paper lost its nose for news, closed shop and joined in the joyful scramble for gold. The news reached Oregon via Hawaii, and by the end of the year stories of men clearing \$800 to \$15,000 a day, with no more equipment than a shovel and a washbowl, had carried to all parts of the world.

*The "Forty-Niners"*

In 1849, by every possible means of travel, a sizeable share of the footloose from the four corners of the world converged on the New Eldorado. Across the plains—a full summer's endurance test<sup>2</sup>—around Cape Horn on any vessel that would float, and across the fever-infested Isthmus of Panama moved the Americans. Before the end of the year Yankee bluenoses, Alabama yaller-hammers, and Illinois suckers were jostling Scotsmen, swarthy greasers, Sydney ducks, and slant-eyed celestials. Like ants they disfigured the earth, bringing guns and knives into play to discourage claim jumping. Ramshackle mining towns bearing such fanciful names as Red Dog, Slumgullion, and Delirium Tremens sprang up to satisfy some of the elemental wants of roisterous men. For a real fling "Frisco" offered a variety of raw opportunities, including sharpers who provided the means for losing a fortune in a night. Living costs in San Francisco skyrocketed with the flood of gold, and real estate dealers vied with speculators in

<sup>1</sup>With the discovery of gold Sutter was potentially the richest man in the world, but gold seekers overran his lands. Then because of the confusion attending the transfer from Mexico he could not prove title to his lands. Even the Supreme Court had a hand in despoiling him. In 1852 he was virtually bankrupt. In 1865 he sought redress from Congress, which was never granted. He died in 1880.

<sup>2</sup>The gold rush proved highly profitable to the Mormons, newly established in the Great Salt Lake Valley, who sold supplies and purchased the emaciated animals of the forty-niners, reselling them at fancy prices when reconditioned. Brigham Young discouraged his people from joining the trek by declaring in the Tabernacle, "If you Elders of Israel want to go to the gold mines, go and be damned!"

goods for their share of the rich harvest. A bunk in a tent with many others cost as much as the best room in a first-class Eastern hotel; Sutter sold his wheat for \$36 per bushel; and stale eggs cost \$10 a dozen. An eating resort in Placerville served sauerkraut entree, hash, and rice pudding with molasses, all for three dollars!

By the end of 1849 California had a turbulent population approaching 100,000, dominantly male and subject to little law except that which the more orderly might themselves establish to counteract the evil effects of gold, bad liquor, gambling, and the absence of decent women. Theoretically California was under military government; actually the people did as they pleased in the area controlled by Americans. For the laws of the United States would not extend to the territory acquired from Mexico until Congress should act, and that body was too much at odds over slavery to agree on California. \*

Polk's unhappiness because of the failure of Congress to act was sharpened by a suggestion from Taylor—made as they drove to the Capitol for the latter's inauguration—that it would be better for California and Oregon "to be an independent government" because they were "too distant to become members of the Union." But within a month the new President dispatched an agent, one T. B. King, to California with the advice that the people take matters into their own hands, draft a constitution, and seek admission to the Union. Taylor hoped that the necessary action would be taken in both California and New Mexico before December; then Congress would be confronted with the relatively simple question of accepting or rejecting their constitutions. King arrived to find that the Californians had already elected delegates for a constitutional convention. They met at Monterey, September 1, 1849, drafted a free-state constitution, submitted it to a referendum, and chose state officers.<sup>1</sup>

*Policy of  
Taylor*

When Congress met on December 3, 1849—the first time in Taylor's administration—it was evident that an early solution for the problems of government and slavery in California and New Mexico must be found. California was knocking for admis-

*Problems  
demanding  
solution*

<sup>1</sup> In the convention were men from twenty-one states. Southerners were almost as numerous as Northerners, and William Gwin of Tennessee was the outstanding leader; but there was unanimity against slavery.

sion to statehood; the Mormon state of "Deseret," organized with the exclusion of slavery, awaited the pleasure of Congress; New Mexico must have territorial government (in May 1850 she was seeking statehood with a free-state constitution); and the overlapping boundary claims of New Mexico and Texas must be adjusted. A bit of spice was injected into the situation by Texan threats to take by force everything to the Rio Grande.

*Opposition  
to Taylor's  
policy*

Taylor met Congress with a recommendation for the admission of California and New Mexico under constitutions of their choosing. He also made a plea for the avoidance of "exciting topics of a sectional character," and announced his determination to maintain the Union to the full extent of his power. Already primed for battle by a long and bitter struggle to elect a Speaker, extreme Southerners felt that Taylor had betrayed them.<sup>1</sup> Robert Toombs of Georgia and other Southern Whigs said they were ready for secession if their right to take slaves into the new territory were denied. Throughout the South bitter opposition flared anew at the prospect of losing all the newly won territory. South Carolina had been the center of secessionist sentiment. There the question was not merely whether to secede, but whether to do so independently. Because the "cooperationists" prevailed, it was considered politic to have some other state take the first step. Mississippi was therefore induced (summer, 1849) to call a convention to meet in Nashville, Tennessee, in June 1850.

*Leaders in  
Congress*

Combined with Southern opposition to Northern desires and to the President's plan was a considerable amount of congressional jealousy lest the President—a politically inexperienced one at that—should carry off the honors in handling the gravest national problem of a generation. The Thirty-First Congress was easily one of the most talented in American history. Giants of a passing generation, like Webster, Clay, Calhoun, Cass, and Benton, measured ability with aggressive new leaders—Jefferson Davis, Stephen A. Douglas, William H. Seward, Alexander H. Stephens, Salmon P. Chase, Robert Toombs, and Thaddeus Stevens—who were soon to take complete charge. To the Senate the aged Clay had

<sup>1</sup> By counting Free Soilers the Democrats had enough votes to elect, but slavery had broken party lines. After seventeen days of balloting Howell Cobb of Georgia was chosen over the Whig candidate, R. C. Winthrop of Massachusetts.

returned after nearly eight years' absence. Although physically infirm he brought some of his old fire into this last and greatest of the congressional struggles in which he had participated since he first sat in that body forty-three years earlier. With an enviable record as a compromiser, and utterly without selfish motives, he carried tremendous weight with his colleagues. *Clay re to Sena*

On January 29, 1850, after having secured Webster's promise of support, Clay presented his plan of compromise in the form of several resolutions. The essential provisions were: *His pla compro:*

- a. Admit California as a free state.
- b. Organize the remainder of the territory acquired from Mexico without restrictions respecting slavery.
- c. Pay Texas' preannexation debt in return for a boundary settlement favorable to New Mexico.
- d. Abolish the slave trade in the District of Columbia.
- e. Enact a new and stringent fugitive slave law.<sup>1</sup>

One week later Clay arose to address the Senate and the crowded galleries. He was coughing badly and the thermometer in the chamber stood at one hundred degrees, but inspiration gave him strength. With much of the charming eloquence of other days he pleaded for Northern concessions and Southern forbearance. Why demand the application of the Wilmot Proviso to a region where "nature had pronounced [its] doom?" Let the North, therefore, forbear unnecessary laws restricting slavery—let her return fugitive slaves according to the law—then the South would have no cause for disunion. Secession he believed unconstitutional and impossible of accomplishment without the tramp of armies. The upper Mississippi Valley, he warned, would never consent that the mouth of that river should be held "subject to the power of any foreign state." Clay could remember when frontiersmen threatened to blast Spain from New Orleans.

Unable because of illness to deliver his last speech in the Senate, the grim and unyielding Calhoun gave a sepulchral atmosphere to the chamber as he sat silent while it was read (March 4) by his *Calhoun*

<sup>1</sup> Clay's resolutions were referred to a select Senate committee of thirteen (chosen April 19) headed by Clay. On May 8 it reported bills inculcating Clay's recommendations.

friend, Senator Mason of Virginia. "I have, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion." The blame for the growing sectionalism he placed on the North and the Federal Government which had enacted legislation unfavorable to the South; which had denied equal rights respecting slavery in the territories; and which had permitted attacks upon the social establishment of the South. "The cords that bind the States together," ecclesiastical and political, have snapped or been greatly weakened. The Union can be saved only "by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections." The South "has no compromise to offer but the Constitution, and no concession or surrender to make." The North can do justice "by conceding to the South an equal right in the acquired territory," by faithfully returning fugitive slaves, by ceasing "the agitation of the slave question," and by an amendment "which will restore to the South in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this Government."<sup>1</sup>

Calhoun loved the Union probably no less than Clay or Webster, but his belief that the South suffered injustice at the hands of the North had become an obsession. What untold tragedy and human loss might have been avoided had this greatest Southern leader of a generation possessed the vision of a Washington, a Jefferson, or a Robert E. Lee!

*Webster*

Three days after Calhoun's gloomy swan song had broken the quiet of the Senate, Webster—in blue coat and buff vest, as always on great days—spoke before an audience that overflowed the Senate Chamber into the corridors. Like Clay, he too recaptured some of the old fire and eloquence in a plea for the Union. There was a strong feeling that if he opposed compromise none would be possible; but that if he favored, it would have a chance. "I wish to speak today," he began, "not as a Massachusetts man, nor as a Northern man, but as an American. . . . I speak today for

<sup>1</sup> His plan, posthumously published, called for an amendment providing for two Presidents—one for the North and one for the South—each of whom might exercise the veto power.

the preservation of the Union." Slavery he considered an evil. Two years earlier he strenuously had opposed Cass' argument that slavery in New Mexico and California was interdicted by nature; but now he feared imminent dissolution of the Union if extremists prevailed. He defended the Southern demand for a stricter fugitive slave law, but scouted the idea of "peaceable secession." "Sir," he predicted, "your eyes and mine are never destined to see that miracle." For the most part his speech was merely an elaboration of Clay's earlier arguments, but the effect was more striking. Calhoun, who in conference with Webster about a week earlier had approved Webster's course, listened, then left the Chamber never to return. Three weeks later he was dead.

In the North the effect of Webster's speech was tremendous. Thousands of admirers turned against him as one who had sacrificed old principles in his desire for the presidency. The legislature of Massachusetts named him the "recreant son," Garrison described his speech as "indescribably base and wicked," Lowell referred to his "mean and foolish treachery," and Whittier wrote the scathing lines of *Ichabod*. But many others, North and South, whose reason and judgment had not been unbalanced, praised him for his courageous action. Webster was no apostate. His theme in 1830 was Union; in 1850 it was still the Union.

*Reaction to  
Webster's  
speech*

As the debate in Congress progressed, all the leaders made their contributions: the old members generally favoring compromise; the younger generally opposing. Of the latter, Seward made the most lasting impression. He admitted the constitutional power of Congress to bar slavery from a territory, but declared that there was "a higher law than the Constitution which regulates our authority over the domain." It was the argument of extremists on both sides; but Seward was speaking for abolitionists, and the inference was that they would have their way, by force if necessary. Fortunately a majority of Congress listened to reason rather than the argument of fanatical extremists who talked about the "higher law." Douglas urged the doctrine of "popular sovereignty." Jefferson Davis, soon to succeed Calhoun as the leading spokesman of the South, took the same position as the South Carolinian, and like him protested his love for the Union. "We

*Seward,  
Douglas,  
Davis*

stand now," said Davis, "as we have always stood, upon the Constitution; and if there be no disposition to compromise, we have lived and we will die by the Constitution." To him this meant that the South must have equal rights in the territories. He was willing to accept the line of 36° 30'. Secession, then as always, he deplored.

*A gloomy  
outlook*

With due regard for the popular effect of the great speeches, it is doubtful whether they changed a single vote in Congress. As late as July it appeared that an acceptable solution was impossible. Stubbornly opposed to compromise, Taylor was at the same time determined to preserve the Union even if he had to "pour out his blood" in its defense. The South was equally determined to have concessions. General Winfield Scott decided that the nation was "on the eve of a terrible civil war."

*Favorable  
influences*

But influences and changes favorable to settlement were at work. Responsible men everywhere were laboring to divert popular attention from the provocative slavery question to the pursuits of peace. The country was enjoying prosperity and did not care to lose it. Farmers were reaping the benefit of a strong English mand for grain following the British repeal of her corn laws (346); and Northern businessmen feared the loss of Southern markets, while Southern planters generally appreciated the Northern demand for cotton. There was a strong economic motive, therefore, pulling for a settlement without violence. The Nashville Convention—held in June in the home town of the fighting unionist, Andrew Jackson, of all places—was originally intended as a formal step toward secession. Nine states were represented but, as at Hartford in 1814, the moderates controlled, and contented themselves with resolutions pending the final action of Congress. Then on July 9 Taylor died.<sup>1</sup> The colorless Millard Fillmore who succeeded him was docile in the hands of the compromisers.

*The work  
of Douglas*

Meanwhile the slow, difficult work of legislation proceeded behind the scenes. Clay provided the initial inspiration, but it was Douglas who more than any other was responsible for the practical

<sup>1</sup> Taylor suffered from extreme heat at the Washington Monument ceremonies on July 4. He drank much water followed by iced milk and fresh cherries. A sudden attack of cholera morbus followed.

matters of authorship and passage of the bills which constituted the Compromise of 1850. Clay's bill (reported by the select committee) dealing with all territorial questions ("omnibus," Taylor called it) was necessarily broken up, and each part passed separately. On September 18, 1850, eight months after Clay presented his plan to the Senate, the last measure of the great Compromise was enacted. Only four Senators voted for all five bills of the Compromise. Radicals,—Northern Whigs and Southern Democrats—opposed the measures because they could not sacrifice their principles even to save the Union.

California was admitted as a free state, breaking forever the balance which had been guarded with extreme jealousy for nearly forty years; Utah and New Mexico Territories were organized with the principle of popular sovereignty applied to them;<sup>1</sup> Texas accepted her present boundaries in return for an indemnity of \$10,000,000;<sup>2</sup> the slave trade, but not slavery,<sup>3</sup> was abolished in the District of Columbia; and a harsh fugitive slave law was enacted. The Compromise was more largely a Southern measure than a Northern one, but whether the relative advantages balanced remained for the future to determine.

*Terms of the  
Compromise*

A great majority of people throughout the nation welcomed the Compromise with a sense of intense relief, although dissatisfaction was general. Most objectionable to the North was the stringent new fugitive slave law. Abolitionists denounced its "unhuman and diabolical provisions" in violent terms and girded themselves to defeat its operation. Even the philosophical Emer-

*Northern  
reaction*

<sup>1</sup> In the original bill the territorial legislatures were forbidden to act on the subject of slavery, but this clause was stricken (July 30) from the final bill; consequently it was understood that popular sovereignty was provided during the territorial period. Another amendment specifically provided for popular sovereignty at the time of admission: *namely*, "That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission." Another specific amendment referred the determination of the status of slavery during the territorial period to the local courts, subject to appeal to the Supreme Court. This provision was later applied to the Kansas and Nebraska Territories, and helps explain the extreme importance attached to the Dred Scott decision (1857). It is a little-known fact that this clause of the law of 1850 was adopted on the motion of an abolitionist—John P. Hale of New Hampshire.

<sup>2</sup> Actually, the total paid Texas was \$12,750,000. The Act of 1850 called for the payment of \$5,000,000, and the retention by the United States of the same amount to satisfy claims against the United States by holders of the Texan debt. These claims amounted to \$7,750,000 and were paid.



son could write in his journal, "This filthy enactment was made in the nineteenth century, by people who could read and write. I will not obey it, by God!" It would have been better for the South if her slaveholders had been willing that abolitionists spirit away a few of their slaves rather than to flout the sensibilities of Northerners by insisting that they obey a federal statute requiring them to aid in the recovery of runaway property.

*Secessionist  
movement  
checked*

Not for several months did the secessionist movement die down. The adjourned Nashville Convention of November 1850 condemned the Compromise and recommended another convention to prepare the way for disunion, but its action attracted little attention. The South was giving heed instead to such Unionists as Toombs, Stephens, and Howell Cobb, rather than to Rhett of South Carolina, Yancey of Alabama, and Quitman of Mississippi—leaders of the "Southern Rights" or immediate secession party. Four states, Georgia, South Carolina, Alabama, and Mississippi, held state conventions to consider secession. In three of them the division was between Unionist and Southern Rights forces rather than Whigs and Democrats. The Georgia convention under the vigorous Unionist influence of Toombs, Cobb, and Stephens adopted the "Georgia Platform" accepting the Compromise but warning that Southern rights must not be further impaired. In the outcome only South Carolina had a majority favoring secession, and she was not ready to act alone.

*Robert  
Toombs*

The three Georgia leaders who were able to submerge sectional prejudices and party differences in the interest of the Union deserve more honor than is commonly accorded them. From the time Robert Toombs entered Congress in 1844 he was a marked man in national affairs. His huge, bulky frame was matched by a roaring voice, and his great ability as a debater was sharpened by a rare gift of epigram. Personally rather rough-hewn, he had a disposition to do as he pleased in spite of conventions. He just missed expulsion from college because of card playing, and he became too fond of drink; but his family life was admirable. He opposed the Mexican War because he feared the acquisition of territory would endanger the Union, and he helped produce the Compromise of 1850. He was therefore no extremist although he defended the "rights" of the South and in so doing was sometimes

outspoken in challenging the North. But in spite of threats he did not become a secessionist until after the Republicans killed efforts at compromise in 1861.

Closely associated with Toombs from early manhood—sometimes making his home with him—was Alexander Stephens. In most respects except intellect the two were opposites. “Little Ellick” weighed about ninety-five pounds when in good health, a condition that was rare. But his was an “unconquerable soul” despite human frailties, and he was utterly devoid of fear. When prostrate on his back after a brutal slashing by Judge Cone he still would not retract a statement to escape imminent death, and caught the descending blade in his hand. He deprecated nullification, and like Toombs opposed the Mexican War and secession. His estate bore the symbolic name of Liberty Hall. He was one of the kindest of slaveholders.

*Alexander  
Stephens*

Howell Cobb was one of the greatest of slaveholders. Like Stephens he entered Congress in 1843. Six years later when he was only thirty-four he was chosen Speaker. His massive physique and mighty jowls were no more impressive than his fine parliamentary manners and consummate courtesy: sectional rancor never found a place in his speeches. Because he was a Democrat he stood to lose more by his courageous action than Toombs and Stephens who were Whigs. However his reward was the governorship, followed by a return to Congress. After the election of Lincoln he advocated immediate secession.

*Howell  
Cobb*

Unsatisfactory though the Compromise proved, both North and South, it terminated a secessionist movement which must have destroyed the Union. It was the last achievement of that generation of nationalists which after 1812 dreamed roseate dreams of a great and united America. During the decade following the Compromise the material growth of the North, together with the alignment of the East and West as a result of railroad building, was such that the Union could survive the shock of Civil War.

*Significance  
of the  
Compromise*

## Chapter Thirty-Nine

### PROSPERITY AND DIPLOMACY OF THE 'FIFTIES

WITH THE enactment of the Compromise of 1850 the slavery question died down in Congress, while its authors exerted themselves to secure the same result throughout the country at large. Only the rankest abolitionists seriously questioned the constitutional right of states to have slaves. By general acceptance, therefore, slavery could properly present a national issue only when its extension into additional territory was involved. Each of the great struggles in Congress—the admission of Missouri, the annexation of Texas, and the organization of the territory acquired from Mexico—had resulted from this very assumption. Would it not logically follow, therefore, that inasmuch as Congress had finally made some disposition respecting slavery in all the territories, the question was at rest. If people only believed it to be true, it would be true. So reasoned many leaders who preached the “finality” of the Compromise.

*Labors of  
Clay,  
Webster,  
and others*

Physically unable to go before the people, Clay induced forty-four other members of Congress to sign a pledge not to support for high office any man who favored the “renewal, in any form, of agitation upon the subject of slavery.” Secretary of State Webster indulged in spread-eagleism, particularly in dealing with Austria,<sup>1</sup> which can be understood only in the light of his expressed purpose of touching the national pride so as to “make a man feel sheepish and look silly who should speak of disunion.” In addition he spent his strength in popular orations to the same end. Douglas won over a hostile audience of 4000 in his home town (Chicago), and the Illinois legislature soon reversed its position on the Wilmot Proviso, commending Douglas’ stand. The splen-

<sup>1</sup> Hülsemann letter, December 21, 1850.

did work of Toombs, Stephens, and Cobb in the South has been noted in a previous chapter. Others put their shoulders to the wheel in less spectacular ways. So in the South, as well as the North, a vast majority of the people accepted the spirit of the Compromise, and in state elections unionist sentiment prevailed. The gubernatorial election of 1851 in Mississippi is particularly interesting because Jefferson Davis was defeated by Foote, a champion of the Compromise.<sup>1</sup>

Because of the general desire for peace the national election of 1852 was approached with greater calm than had obtained since 1840. In its efforts to avoid the dangerous issue of slavery, Congress had done little but mark time since 1850. Politicians generally were united in maintaining the "finality" of the Compromise; consequently both major party candidates endorsed it.

*Campaign  
of 1852*

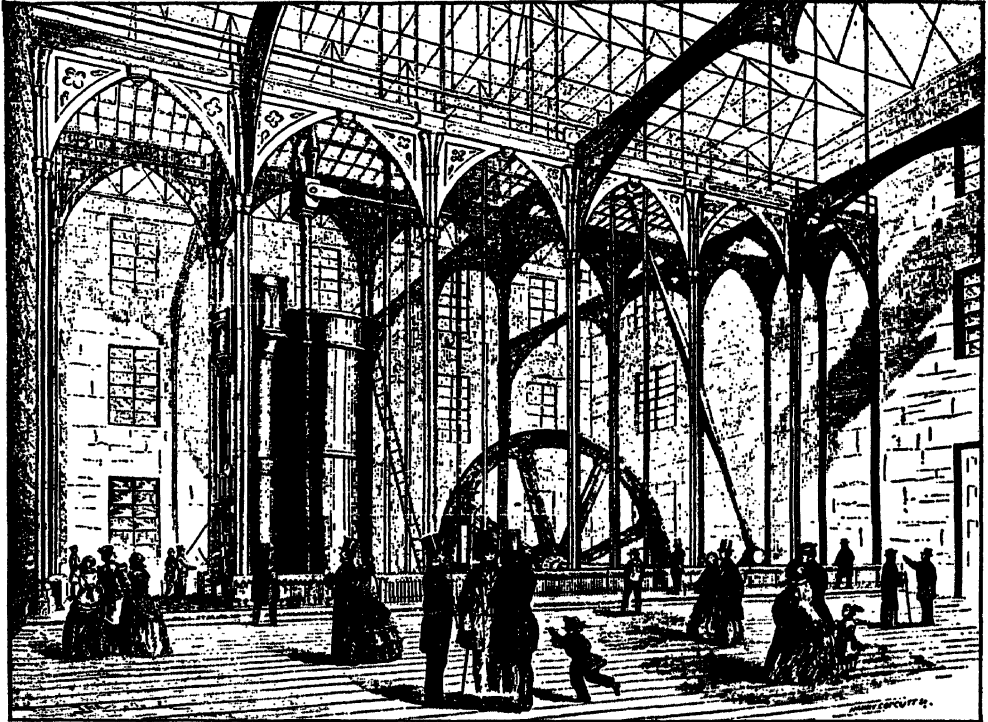
Leading Whig candidates for nomination were President Fillmore, Webster, and General Scott. It required fifty-three ballots for the Whig national convention to decide on repeating the expedient that had given the party its only victories—the nomination of a military hero. So the honor fell to Scott, an outspoken and cantankerous Virginian who had engaged in many a lusty quarrel since making an enviable record as an officer in the War of 1812. Next to Taylor he was the most popular hero of the Mexican War.

Unable to agree on such prominent men as Douglas, Buchanan, Cass, and Marcy, the Democrats turned to the handsome and urbane Franklin Pierce, a small-town lawyer of New Hampshire. Having done nothing notable his record was clean: party leaders were taking no unnecessary chances. The Democrats enjoyed the advantage of greater party unity than the Whigs could attain. The New York "Barnburners," chastened by their barren sojourn with the Free Soilers, returned to the fold. Moreover, thousands of Southerners deserted Scott, not so much because he was a nationalist of the Jackson-Taylor school as because they considered him a candidate of the Seward Whigs who did not accept the Compromise. In the outcome Scott carried only four states—

*Victory of  
Democrats*

<sup>1</sup> Davis was induced to take the place of General John Quitman, an avowed secessionist, partly to relieve the party from its hasty endorsement of secession. Davis was opposed to secession. He lost the election by a very narrow margin, then retired to his plantation.

Massachusetts, Vermont, Kentucky, and Tennessee.<sup>1</sup> Pierce won over Scott by an electoral vote of 254 to 42, but his popular majority was small. The Whig party was doomed, and slavery was



INTERIOR VIEW OF THE ENGINE ROOM ATTACHED TO THE MACHINE SHOP, U.S. NAVY YARD, BROOKLYN, USED FOR DRAWING THE WATER FROM THE DRY DOCK

*From Frank Leslie's Illustrated Newspaper, August 1, 1857*

the rock on which it was fast breaking to pieces. When the same fate should befall the Democrats, disunion of the states would follow. But for the nonce exultant Democrats gloated over the hard fate of their rivals, little dreaming that without organized opposition they too would flounder in the near future.

Party leaders who preached the finality of the Compromise

<sup>1</sup> The Free Soilers nominated John P. Hale of New Hampshire but polled only half as many votes as in 1848.

found a willing audience. Most men were tired of the slavery *Period of* dispute; anyhow the pursuit of prosperity in the piping times of *prosperity* peace and plenty was more exciting. Since the national recovery in the early 'forties from the depression of 1837-1842, there had been a steady economic advance which was encouraged perceptibly by the swelling stream of gold from California. Coinage of that metal in the 'fifties approached \$50,000,000 annually. Until 1857 the country enjoyed an era of unusual prosperity. Why wrangle over slavery when there were prairie lands awaiting the plow and the reaper; railroads to be built; new foreign markets to be tapped?

The 'fifties were the golden age of steamers on the Mississippi and of clipper ships on the ocean; when the merchant marine, with a tonnage increase from 1,500,000 to almost 2,500,000 in a decade, was surpassed by none other in the world. During the seven years preceding the Panic of 1857 both exports and imports increased three times over, and three-fourths of the total was carried in American ships. It was a decade of booming industrial development encouraged by agricultural expansion, of mechanical improvements, and of enormous increase in immigration to supply cheap labor. The amount of capital invested in manufacturing almost doubled. For the first time the nation was becoming acquainted with low-cost wholesale production. For example, at Pittsburgh one machine could turn out five tons of railroad spikes per day; in another city one factory could increase the national pin supply at the rate of a third of a million a day; and at Hartford, Connecticut, Colt's revolvers were being made in such numbers as to furnish the shooting population with precision weapons. In the first world's fair, at London in 1851, the products of Yankee mechanical genius carried off several honors.

*The  
"Fabulous  
'Fifties"*

Indicative of the advancing industrial frontier was the rapid growth of manufacturing in the Ohio Valley. In 1860 Illinois claimed 4000 mills with a production worth some \$50,000,000. Chicago was already the world's center for farm machinery and implements, a fact which the McCormick reaper factory helped to advertise. The center of flour milling had shifted to the Old Northwest, and before the Civil War Illinois had superseded Tennessee as the greatest corn state in the Union.

*Rail vs.  
plank roads*

Even more impressive were improved facilities for transportation; for "Young America" was experiencing the growing pains of railway expansion such as the world had never known. In 1850 the total railway mileage in the United States was about 9000; in 1860, over 30,000. Plank roads, which were in high favor in the late 'forties, were superseded in the areas where they were in use. New York, about a decade earlier, was the first to construct them. Michigan, Ohio, and Illinois eagerly followed suit in an attempt to find a quick solution for transportation ills. Soon hundreds of miles were constructed at a cost of from \$1000 to about \$2000 per mile. In 1850, fifty miles of these roads anchored Chicago to its flat surroundings. Because they were relatively cheap they had their champions well into the 'fifties, but the quickly rotting boards dampened the enthusiasm of mud-spattered patrons. Railroads were from thirty to forty times more expensive but likewise more durable.

An important factor in the growth of rail transportation was the mechanical improvements made in the rolling stock. By 1848 locomotives were being built which could travel a mile per minute. Tracks at that time were not safe for such a speed, but acceleration was sufficient—what with burned bridges, derailments, and collisions—to produce an appalling number of disasters.<sup>1</sup> Greatly expediting the control of trains was the introduction (1851) of the Morse telegraph. Four years later a successful coal-burning locomotive was put into use, and in 1858 Pullman cars provided relative sleeping comfort for tired men of affairs.

*Railroads  
and the  
South*

Of the 30,000 miles of railroads in 1860, the South possessed only one-third—a significant factor in the war soon to come. That region had more rivers which were usable for its heavy transportation (chiefly the floating of cotton to a seaport) and far less capital with which to build. For more than twenty-five years Southern politicians and businessmen vainly sought the means for constructing a railroad from Charleston to Cincinnati in order to contest the Ohio Valley with the East, but the Civil War found

<sup>1</sup> Although wrought iron was used in bridge building in the United States as early as 1800, most bridges were wooden until after the Civil War. Covered bridges were common. They did not rot so quickly, and, in the case of the high ones, prevented the horses from taking fright while crossing. Steel bridges were introduced when the great Mississippi was spanned at St. Louis in 1868–1874.

it still unbuilt. By that time, too, the Mississippi had lost much of its old importance for the Old Northwest, as the trade of Cincinnati illustrates. In 1860 only one-fifth as much wheat and corn went south from that city as was shipped north and east. The South was still buying as much Northern foodstuff as ever, but at higher prices because easier transportation eastward—and thus to European markets—made Western farmers much more independent of the South than in the days when river transportation was the main reliance.

Of all sections the North Central states led in railway construction. Ohio in 1860 had more miles of railroads than any other state, although Illinois was but a shade behind. In 1850 only one road linked the Ohio with the Great Lakes; in 1860 there were ten. The Mississippi River was first reached by rail in 1853; seven years later five roads joined it with the Ohio Valley. One extended westward to the Missouri at St. Joseph, and five others were thrusting well into Iowa. By contrast, the South had only one Atlantic-Mississippi connection (Richmond, through Chattanooga, to Memphis) when the Civil War began, though another through Alabama to Vicksburg was in the process of completion.

*The North*

A highly stimulative factor in the "railroad fever" of the 'fifties was the system of federal aid which was inaugurated in 1850 when Congress, through the influence of Illinois' young senator, Stephen A. Douglas, granted six sections of land per mile (alternately allotted) to the Illinois Central, thereby linking Chicago with the Gulf at Mobile.<sup>1</sup> The practice was abolished in 1871, after 131,000,000 acres (an amount approaching the size of Texas) had been granted. Federal aid for the Illinois Central was the result of several years of Western demand for help. After the Panic of 1837, states generally stopped the practice of aiding internal improvement building. The project of a railroad in Illinois (Galena to Cairo) by which a group of speculators planned to make Cairo a great metropolis at the juncture of the Ohio and the Mississippi was suspended until Congress authorized

*Federal aid*

<sup>1</sup> Southern opposition to federal grants for internal improvements in general was overcome by the assumption that the alternate sections remaining to the government would be enhanced in value. Accordingly, these reserved sections were priced at twice the \$1.25 minimum established in 1820.

For Douglas' motives, as well as his railway interests in general, see Chapter XL.



the above-mentioned grant. In order to sell its land the Illinois Central advertised widely in Europe as well as the United States and Canada, thereby stimulating immigration from Germany and Scandinavia besides drawing many American farmers westward. Chicago rather than Cairo became the Western center of commerce.

### *Speculation*

Wild speculation and fraud accompanied railway construction. Many were the miles of rails extended into sparsely settled areas which could hardly hope to yield profits for years to come; many were the townsmen and farmers who bonded or mortgaged themselves to help build roads which failed to materialize. Speculation in real estate—city lots of industrial centers, town sites created by railroads, and agricultural lands—was strongly suggestive of the days before the crash of 1837, and inevitably led to the same end, although the panic was slow in coming. Speculative activity in land was greatly stimulated by a liberal old-soldier policy. The Mexican War had made Congress more appreciative than ever before of military services rendered. Land warrants, freely granted, were transferable; hence thousands of them at bargain prices found their way into the hands of speculators. Quotations on these warrants appeared in newspapers, even as stocks and bonds, and were similarly bought and sold. Land speculation in “bleeding Kansas” was more attractive to many an emigrant than the prospect of saving the territory for slavery or freedom. Some railroads were projected primarily for the purpose of making profits from the enhanced value of lands, and fortunes were made. Stephen A. Douglas cleared \$100,000 on a tract near Chicago when that city was in the throes of real estate mania.

### *Fraud*

In such a period of booming expansion it is not surprising that fraud went hand in hand with speculation. Some legislatures had a reputation for corruption, and even some votes in Congress were purchasable. It was the beginning of an era when almost all men in public life, including Abraham Lincoln, traveled on passes—a practice which was not generally thought to impair the capacity of the recipient for unbiased judgment.

New York, the largest city in the land, was also the worst governed, but it was not alone in permitting conditions to exist which today seem unreal. In both New York and Chicago the

milk supply was to a considerable extent a by-product of the distilleries (many cows ate whiskey slops), a circumstance to which some critics attributed the heavy mortality of small children. Unspeakable crowding in some tenement districts, together with a general lack of provision for sanitation, made the large cities a prey to epidemics of smallpox and cholera, and yellow fever still came up the coast. In many cities gangs of rowdies roamed the streets, and beggary and prostitution flourished without effective interference. Western cities, particularly, still tolerated the "hog nuisance"; dogs in superabundance overran the towns, indulging in many a fray with hordes of rats which did the same, and provided periodic scares of hydrophobia.<sup>1</sup>

*The seamy  
side of  
cities*

Complicating problems in some localities was the less desirable portion of the immigrants who thronged to the United States—to America, whose golden opportunities were just beginning to be widely advertised by steamship and railway companies. In Pennsylvania and New York, alien paupers outnumbered the native, and foreigners committed a larger percentage of the criminal offenses that led to convictions. Alien inmates of the New Orleans charity hospital were seven times more numerous than the native-born. On the other hand, improved means of transportation drew a great portion of the newcomers westward, thus furthering the economic development of the North and tipping the balance still more against the South. On the eve of the Civil War the native-born of St. Louis, Chicago, and Milwaukee were less than half the total population of those cities. Slightly over one-third of Wisconsin's population was foreign-born. Michigan and Illinois were not far behind. These industrious newcomers, whether as laborers or as farmers, made their contribution to America's rapid growth and to the widespread belief in her destiny of greatness.

*Immigrants*

In retrospect it seems that the wave of speculation which characterized the period, coupled with overexpansion of railroad building, manufacturing, and agriculture, could have but one ending. For many months before 1857 there were ominous signs in the East, such as a tightening of the money market and the appearance of soup kitchens in New York, but they were generally

*The panic  
of 1857*

<sup>1</sup> In April 1860, a new-born baby in a New York hospital was eaten by rats.

ignored. Important factors in extending prosperity beyond the logical time for the depression was a greatly increased consumption of cotton owing to the development of the sewing machine, and an unusual European demand for wheat because of Irish famines and the Crimean War which cut off the great Russian wheat fields. But these markets could not hold up indefinitely. Moreover, as previously mentioned, railroads which were built into unsettled areas would not yield early dividends, and the people could not consume the output of the factories.

In August 1857 the panic struck the country. Financial centers and speculative railway investments suffered acutely, and cities were visited with a great amount of unemployment and hunger. Rural areas, on the contrary, excepting the wheat belt, experienced little real hardship. The South suffered least of all. Southerners explained their good fortune in terms of the "superior" economic system of the "Cotton Kingdom." The complacency with which many planters soon contemplated the prospect of a Southern Confederacy was heightened by this experience. In the North the number of people who were determined to have an "adequate" protective tariff was greatly increased.

*Diplomacy  
as a distraction*

While the country was enjoying unhealthful prosperity leading toward depression, politicians for a time sheathed their swords before burnishing them anew for use against the opposition. By way of diverting popular attention from the explosive slavery question, the Democrats for several years tried repeatedly to rouse enthusiasm for further territorial expansion. The extension of American boundaries to include Texas, Oregon, New Mexico, and California in the brief period from 1845 to 1848 was heady wine for the disciples of manifest destiny. For a while Americans almost forgot the injunctions of Presidents from Washington to Monroe that the United States should not meddle in the affairs of Europe. The European revolutions of 1848 encouraged proposals for going forth in aid of budding democracies. Wild talk of annexing Ireland was heard, and in 1852 some Democrats, mindful of their winning slogan in 1844 ("Texas and Oregon"), momentarily considered going before the people on the issue of "Cuba and Canada."

In December 1851 the exiled Hungarian patriot, Louis Kossuth, was brought to America on an American battleship detailed for the purpose; and as a guest of the nation was banqueted by Congress. Other dinners and mighty processions signalized his tour of the country, and prairie states found a new name for counties. Not since the visit of Lafayette was so much excitement stimulated by a foreign celebrity. But Kossuth's hopes of pecuniary aid were dashed. Much more was spent on his entertainment than was contributed to his cause.

*Visit of  
Kossuth*

The plight of Hungary was a passing fancy; the desire for Cuba, the fair "Pearl of the Antilles," relatively permanent. Particularly was this true in the case of Southern gentlemen who after 1850 were seeking territorial compensation to balance California. In 1848 Polk offered to buy the island. Fearful lest Great Britain or France might seize it as security for great Spanish debts, he was willing to pay as much as \$100,000,000. Would debt-ridden Spain part with this last important remnant of her once vast colonial empire? Indeed she would not! Rather that it be sunk in the ocean.

*Desire  
for Cuba*

If Cuba could not be purchased, perhaps insurrectionists there might be helped to independence as a prelude to annexation, after the manner of Texas. A considerable number of Southerners thought it worth trying. After the Federal Government had scotched two filibustering expeditions attempting to leave New York and Savannah, the Cuban, Narciso Lopez, managed to slip out from New Orleans in April 1850 with 750 men, mostly veterans of the Mexican War.<sup>1</sup> Spanish forces broke it up. In the summer of the next year Lopez with 450 men again cleared from New Orleans, only to court tragedy in Cuba. Lopez was garroted, and Colonel Crittenden, nephew of the Attorney-General of the United States, with forty-nine followers were summarily shot. Grief and rage swept through New Orleans.

*Filibusters*

When the new Democratic administration opened in 1853 one

<sup>1</sup> Governor John Quitman of Mississippi made liberal contributions of money. He and the governor of Louisiana, John Henderson, were indicted by a federal grand jury. Quitman denied the right of the United States courts to proceed against the governor of a state, but finally submitted under protest, at the same time resigning his office. Charges against him were dropped, and Henderson was acquitted.

*The "Black  
Warrior" af-  
fair*

possibility remained—war with Spain. President Pierce announced in his inaugural that his course would not be deterred "by any timid forebodings of evil" from territorial expansion. Everybody knew what he meant. In February 1854 the *Black Warrior*, an American vessel engaged in coastwise trade, was seized in Havana on a technicality. The exasperating character of the action seemed to Pierre Soulé, the duel-fighting American minister to Spain, sufficient excuse for producing war. He presented the strong demands of Secretary of State Marcy in the form of an ultimatum. Fortunately Soulé did not have his way. Spain apologized, and the affair was adjusted peaceably.<sup>1</sup>

*The "Ostend  
Manifesto"*

But before closing the incident Pierce and Marcy deemed it advisable to have Soulé meet with Buchanan and John Y. Mason, ministers to England and France, for the purpose of formulating a policy respecting Cuba. After meeting at Ostend, Belgium, they adjourned to Aix-la-Chapelle where a report for the State Department was drawn by the hand of Buchanan. This statement, which was really the work of Soulé, came to be known as the Ostend Manifesto:

After we shall have offered Spain a price for Cuba, far beyond its present value [\$130,000,000 suggested as the maximum], and this shall have been refused, it will then be time to consider the question, does Cuba, in the possession of Spain seriously endanger our international peace and the existence of our cherished Union. Should this question be answered in the affirmative, then, by every law human and Divine, we shall be justified in wresting it from Spain, if we possess the power.

To such fantastic limits could misdirected proslavery diplomacy lead responsible officers of government. The dangers feared by Southerners were: first, a Cuban slave insurrection, like that in Hayti, which would excite slaves in the United States; and second, the possibility of English acquisition of the island. Neither Spain nor the United States took official notice of the document. Marcy repudiated it, and the disgusted Soulé sent in his resignation; but Europe was shocked, and the prestige of Pierce suffered seriously.<sup>2</sup>

<sup>1</sup> The ship was restored to its owners, and a \$6000 fine remitted. The final adjustment was made in August 1855, when Spain paid an indemnity of \$53,000.

<sup>2</sup> The publication, in 1928, of previously deleted passages in documents pertaining to the affair, makes it clear that the Manifesto was in line with instructions from Marcy, and that Soulé was actually a sort of scapegoat for his superiors.

More respectable and far more substantial were achievements in other quarters. In the Pacific, diplomacy advanced well beyond the accomplishments of American merchantmen. Until 1844—when Caleb Cushing negotiated a treaty with China granting to Americans full trading privileges in the treaty ports, together with extraterritorial rights—diplomacy had lagged behind. Previously, Americans in China had been absolutely without naval or military support; consequently they were able to do business only by respecting the Chinese and their territorial integrity. This was the basis of the traditional “Open Door” policy of the United States as it came to be called by the end of the century.

*Interests in  
the Pacific.  
China*

Not so pleasant were relations with Japan. For two and a quarter centuries this hermit kingdom had been closed to the occidental world, save for the Dutch East India Company which was permitted a minimum of trade through an isolated island at Nagasaki. The Dutch were favored because they forswore mixing religion with business. Medieval feudalism still flourished, and cruel treatment sometimes befell shipwrecked sailors who found it difficult to escape the kingdom. Chiefly for this latter reason the United States sought a treaty; but in 1846, when Commodore Biddle went to the Bay of Yedo for this purpose, he was insulted for his pains and warned not to return.

*Early  
contacts  
with Japan*

Interest in Japan widened after the acquisition of California and the advent of steam vessels in the Pacific. A coaling station in Japan would be a convenience against the great development of Pacific trade which seemed imminent; moreover, textile manufacturers could envision millions of Japanese in cotton shirts and trousers. So in November 1852, Commodore Mathew C. Perry, brother of the hero of Lake Erie, sailed with a small squadron of war vessels for the purpose of making a treaty. The following July his steam war vessels (the first seen in Japanese waters) struck the Japanese with consternation as they sailed up the Bay of Yedo against a strong headwind. Perry was ordered to leave immediately. He refused until his despatches were presented to the proper officials for reference to the Emperor. Promising to return in the spring for a favorable reply, he then withdrew to Chinese waters while the “Son of Heaven” made up his mind. During the ensuing winter the Commodore improved

*The opening  
of Japan*

his time by seizing the Bonin Islands.<sup>1</sup> In February 1854 he was back in Japan, and on March 31 a treaty with very limited trading concessions was signed.<sup>2</sup>

The opening of Japan marked an epoch in the Far East. The rare and beautiful lacquers and damasks presented to Perry stimulated only a limited appreciation of the Japanese creative art; but the telegraph set, miniature locomotive, farming implements, and lethal weapons given to the Japanese introduced them to a western civilization which they soon emulated with such striking success as to disturb the world by the opening of the twentieth century. Finally, in December 1941, Americans felt the full force of their war machines, impelled by pagan cunning and savagery.

### *Hawaii*

Expanding American interests in the Far East, together with the acquisition of Oregon and California, gave to the Hawaiian (Sandwich) Islands in the mid-Pacific a greatly increased importance. Even before 1800, Yankee shipowners in the Chinese trade were beginning a thriving business in Hawaiian sandalwood. In 1820 Boston missionaries started the successful promotion of American interests; six years later a treaty of peace and friendship was signed but never ratified. By 1843, when the United States sent a resident diplomat, the islands definitely appeared to be an American outpost. Four hundred Yankee whalers, scouring the Pacific for the scattering source of illuminating oil, were visiting the islands annually. The sandalwood forests had been gutted, but children of missionaries were testing the possibilities of sugar production.

American advances were not unchallenged. In 1843 a British

<sup>1</sup> After the Whigs were out of power the new Secretary of State reminded Perry that the President might not take territory without the consent of Congress. The American flag was soon lowered, and Japanese sovereignty restored.

<sup>2</sup> The United States might establish a consulate. Two ports were opened to American vessels, and Japan must protect and restore shipwrecked sailors. The real basis for trade with Japan were the treaties of 1857 and 1858, negotiated by Townsend Harris, American minister to Japan. It was during Harris' negotiations that he came to realize that the Shogun, with whom he and Perry had dealt, was not the Emperor.

The treaties, together with those signed with other powers, proved unpopular to the feudal barons who raised an outcry and appealed to the Emperor. One powerful baron even tried to close the straits of Shimonoseki. England, France, Holland, and the United States then used warships to open the straits, and Japan was required to pay an indemnity (1863). In 1883 the United States performed an unusual act of courtesy by returning her share of the indemnity (\$750,000).

naval officer seized the islands. The State Department protested, and England quickly disavowed the action. Shortly afterwards England and France jointly recognized Hawaiian independence. In 1851 the old king, Kamehameha III, tried to cede his realm to the United States. Webster would not accept the offer. Then in 1854 Marcy directed the negotiation of a treaty of annexation. Britain protested sharply; the friendly Kamehameha died and the treaty failed. The Hawaiian "Pear" must ripen yet another forty years before ready for the plucking.

*Failure of  
annexation  
movement*

In this same eventful year of 1854 was signed the first Canadian reciprocity treaty. Until the repeal of the Corn Laws (1846) English preference to colonial grain and flour enabled Canadians to mill American wheat for the English market. Thereafter, seeking relief from the disastrous consequences of free trade, Canada sought a reciprocity treaty with the United States. On both sides of the border there was a growing sentiment in favor of union with the United States, either as a means for removing the barrier to Canadian prosperity (the American tariff) or as the fulfillment of manifest destiny. Nevertheless, British diplomacy was unable to overcome American opposition (chiefly of the agricultural interests) to reciprocity, even by offering generous concessions. Meanwhile, in the early 'fifties, violent clashes over fishing rights in Canadian waters seemed imminent. The Maritime Provinces were preparing flotillas, and Great Britain had a sizeable fleet ready to give assistance.

*Canadian  
relations*

Into this strained atmosphere was injected the genial Scot, Lord Elgin, Governor of Canada, who was sent to Washington on a special mission by the British government. Elgin and Marcy, like Webster and Ashburton, got along well together, and on June 5, 1854, the treaty was signed—the first in American history for free trade in enumerated articles. In addition, the St. Lawrence was opened to navigation by Americans, and Lake Michigan to Canadians; Americans might fish in all Canadian territorial waters, and Canadians in American waters south to 36° north latitude.<sup>1</sup> The treaty was helped through the Senate on "an ocean of champagne" supplied by Elgin, while opposition in the Mari-

*Reciprocity  
treaty, 1854*

<sup>1</sup> The treaty was ratified August 2, 1854, and was for ten years, subject to abrogation on a year's notice. The United States terminated it in 1866.



time Provinces (the consent of which was necessary) melted before the "judicious" use of \$19,000 expended by an agent of President Pierce. But the most decisive factor in ratification was the support of Southern senators who hoped thereby to lessen the possibility of annexation of free-soil Canada to further upset the American balance.

*How reach  
the Pacific  
Coast?*

The acquisition of Oregon and California not only stirred up interest in Hawaii and Japan but led successive administrations to consider ways and means of reaching the Pacific Coast by an easier route than the 15,000 mile jaunt around Cape Horn, or the summer-long overland trails with their crawling ox-drawn wagons.

*Colombian  
treaty, 1846*

In December 1846, six months after the signing of the Oregon treaty, the American minister in New Granada (Colombia) concluded a treaty acquiring "the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed" for "lawful commerce," on the same terms as citizens of New Granada. The *quid pro quo* was a guarantee to New Granada of the "perfect neutrality" of the isthmus, together with her sovereignty over it.<sup>1</sup> The treaty was ratified in 1848, a few months after the ratification of the treaty of Guadalupe Hidalgo and the discovery of gold in California.

*Rival British  
interests*

So the growing interest in an interoceanic canal took a definite upward turn.<sup>2</sup> However, the route through Nicaragua was by common consent the best of all, and there the British possessed strategic advantages. In 1840, after a checkered history going back to buccaneering activities of the sixteenth century, English law was proclaimed in Belise (British Honduras). Farther south shadowy interests in the Mosquito Coast had expanded into a protectorate (1820), and in 1848 the Nicaraguan garrison at San Juan (the one logical eastern terminus of any Nicaraguan canal) was seized by "Mosquitan" forces and renamed Greytown. Thereafter matters approached a crisis as American and British agents negotiated treaties with Nicaragua and Honduras for

<sup>1</sup> New Granada sought this treaty because of the aggressive activities of Great Britain and France. It was still in force when the Panama Revolution of 1903 paved the way for the construction of a canal.

<sup>2</sup> In 1855 a railroad across the isthmus was completed by American capital.

special concessions, or even went so far as to seize territory.

Escape from the awkward and dangerous situation was effected by the Clayton-Bulwer Treaty of April 19, 1850.<sup>1</sup> By its terms both powers were bound never to obtain or maintain any exclusive control over any ship canal in any part of Central America; never to establish any fortifications commanding the same, or occupy, colonize, or exercise dominion over any part of Central America. By a separate article the same principles were extended to Panama and to every part of "the isthmus which connects North and South America." The treaty soon proved immensely unpopular among Americans who felt that the United States was definitely binding herself to a self-denying arrangement which unduly limited her freedom of action for the future. However, by so doing, the United States was safeguarded from the possibility of independent British action. Moreover it should be remembered that when the treaty was ratified the Compromise of 1850 had not yet been worked out. With the Union endangered, the administration dared not invite war with Great Britain.

*Clayton-  
Bulwer  
Treaty, 1850*

Immediately after the signing of the treaty disputes arose over its interpretation. The United States insisted that the British were bound to renounce their Mosquito protectorate, including Greytown, and to relinquish the Bay Islands. Insisting that these islands were dependencies of Belise, the British government proclaimed them a Crown Colony in 1852. Great Britain was obdurate. Then in 1854—with the slavery question in the United States approaching a new high, and with President Pierce and the Democrats seeking an issue for distracting attention—the game of bluff, at which the United States has usually been superior to the mother country, was punctuated with action. A row in Greytown resulted in its complete destruction by an American warship. The next year William Walker, the 100-pound "gray-eyed man of destiny" from Tennessee—already a practiced filibusterer—tried his luck in Nicaragua. His plan was to dominate, ultimately, all Central America and Cuba. Some Southerners hoped,

*A decade of  
controversy*

<sup>1</sup> Sir Henry Lytton Bulwer, British minister to the United States, and John M. Clayton, Secretary of State. The treaty was ratified July 4, 1850. It was abrogated by the Hay-Pouncefote Treaty (1901), thus making possible the construction of an American-controlled canal.

and many Northerners believed, that it was a plot to attach new slave territory to the United States.<sup>1</sup>

*Final  
settlement*

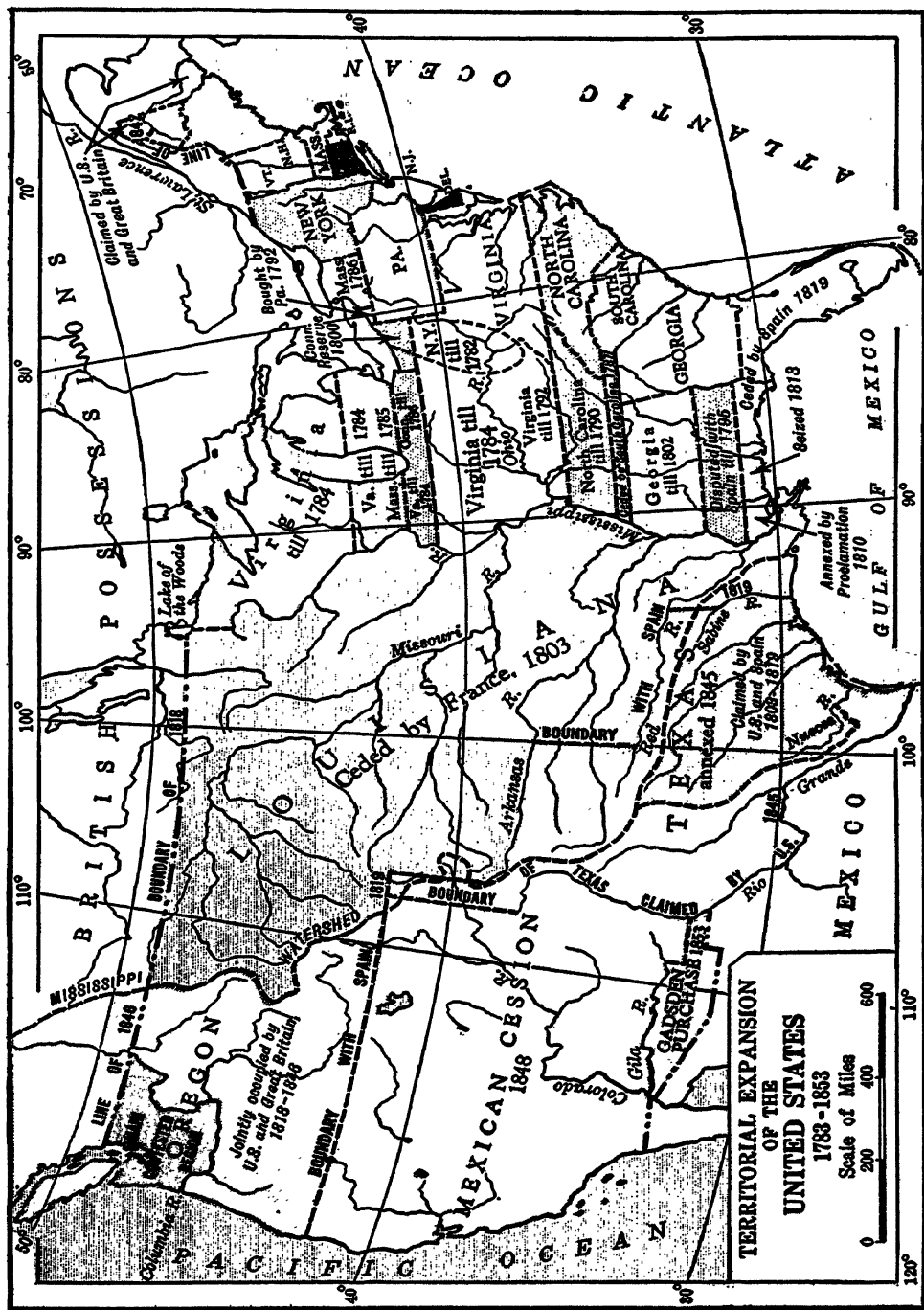
Would Great Britain seize the sword or extend the olive branch? Happily she chose the latter. The Crimean War was causing trouble enough; besides, Englishmen valued American cotton more highly than their claims in Central America. In 1859-1860 she voluntarily ceded the Mosquito Coast to Nicaragua, and the Bay Islands to Honduras. On the eve of the Civil War President Buchanan announced that his government was satisfied with the solution. It was fortunate that the problem could not aggravate strained relations with Great Britain during the coming conflict.

*The  
"Gadsden  
Purchase"*

Interest in transportation to California was mainly responsible for still another measure in diplomacy—the "Gadsden Purchase" of 1853—although difficulties arising from the treaty of Guadalupe Hidalgo paved the way for a new settlement. Failure had attended the efforts made to run the boundary westward from the Rio Grande, as stipulated in 1848; moreover, by that same treaty, the United States had assumed what proved to be the expensive and impossible obligation of preventing Indians in the ceded territory from making raids across the boundary. A new treaty might liquidate these difficulties. Of much greater interest to Pierce's administration—in which the masterful Jefferson Davis was a powerful influence—was the possibility of securing additional territory for the furtherance of Southern advantages looking to the construction of a transcontinental railroad.<sup>2</sup> It was well understood that the best route for a road through Texas into California lay south of the Gila River; hence in Mexican territory. It is not without significance that the minister sent for the purpose, James Gadsden of South Carolina, was the president of a Southern railroad. Gadsden found Santa Anna again in power, and badly in need of funds. Under such propitious auspices a treaty was quickly

<sup>1</sup> For two years he played the rôle of dictator, then president. He overplayed his hand by trying to confiscate the steamers of "Commodore" Vanderbilt's line, and was overthrown in 1857. He met his death in 1860 while on still another filibuster.

<sup>2</sup> By the terms of the treaty of 1848 the United States had been given the privilege of building south of the Gila River if it should be found that the best route was there. Naturally Americans preferred to build in their own territory.





drawn and signed December 30, 1853, and although greatly revised by the Senate was accepted by His Most Serene Highness. For \$10,000,000 the United States rounded out its last contiguous boundaries and secured 19,000,000 acres of desert lands.<sup>1</sup>

But the prospective railroad which the South hoped to further by the purchase was soon enmeshed in sectionalism worse founded by the Kansas-Nebraska Act of 1854. Before turning to this fateful legislation let us consider briefly the principal means of overland communication to California prior to the building of the Union Pacific Railroad, which finally was begun in 1862. A limited amount of overland freighting followed on the heels of the "Forty-Niners," growing with the demand which a ready gold supply created. Many men who swarmed to the coast failed to find gold at the end of the trail; some of them, unable to give up the quest, scattered widely, occasionally making a strike. New mining camps soon sprang into existence throughout the mountain area, and military posts multiplied. All these served to increase the volume of the traffic, most of which, it is true, stopped short of California.

Among the many freighting firms which were organized to reap profits from the business, Russell, Majors and Waddell was largest and most famous. This company had outfitting points at Leavenworth, Atchison, St. Joseph, and Nebraska City, where droves of oxen, hundreds of wagons and men, and great stores of supplies were kept. On the trail its trains consisted of twenty-five or twenty-six great wagons, each drawn by a dozen oxen and engineered by a "bullwhacker." Like the "muleskinner," this indispensable complement of wagon trains—tough and sinewy, face leather-tanned by wind and sun—was noted for the dexterity with which he could wield a long whip, as well as for the profanity which commonly was considered essential for success in his profession.

In spite of all the collective urgings of the drivers, an ox train moved along at a snail's pace. A good day's travel was fifteen miles—about fifty days from the Missouri to Salt Lake City. No wonder the charge for freightage in winter was \$4.50 per hundred for

<sup>1</sup> The United States secured, furthermore, the right of transit across the Isthmus of Tehuantepec, and was relieved of the responsibility for Indian raids into Mexico.

each hundred miles. Horses and mules were much faster, but lowly oxen cost less, held up better on the scanty fare of the trail, and were not so liable to seizure by the Indians. At the beginning of the 1860's Russell, Majors and Waddell alone had in use about 75,000 of them.

*Mail  
service*

Of greater interest to many people was the parallel movement by which mail service was established between the East and the Pacific coast. The first regular service was authorized by the United States in 1848. It was by steamship from New York to the Isthmus of Panama, then by canoe and donkey to steamers on the Pacific portion of the voyage. In February 1849 the first ship to complete the last leg of the route arrived in San Francisco with mail and "Forty-Niners." Postage for this expedited service—one month from "Gotham" to the Golden Gate—was at first forty cents per half ounce. The semi-monthly arrival of a mail ship in San Francisco was the occasion of unfailing excitement. A flag hoisted on Telegraph Hill heralded the vessel's approach to letter-hungry residents of the town, who thronged to the Post Office. Soon "extras" would appear with the "latest" month-old news.

Meanwhile, in response to Western demands for improved communications, attention was being given to the establishment of overland postal routes. In 1850 a regular monthly United States mail was inaugurated from Independence, Missouri, both to Sante Fe and to Salt Lake City; the following year a rather uncertain service was opened from the latter point to Sacramento. Occasional Indian attacks, heavy snows in winter, or desert sands imposed serious obstacles to overland traffic, but still the demand for an improved service grew. In 1856 Californians presented to Congress a petition bearing 75,000 signatures. That legislative body responded with appropriations for an improved service, while Jefferson Davis encouraged an experiment unique in the annals of American transportation.

*Camels*

While serving in the army during the Mexican War, Davis was impressed with the possibilities of using camels in the semi-desert reaches of the far Southwest. Later, as Secretary of War, he exerted sufficient influence to secure an appropriation from Congress (\$30,000 in 1855) for the purchase of the animals in Egypt or wherever they could be secured in North Africa. About

seventy-five "desert ships" were thus brought to Texas in 1856. Lieutenant Edward F. Beale escorted a portion of the herd to California, after which tests were made under varying topographical conditions. Subsequently the camels were stationed at all the principal military posts from Texas to California. In spite of enthusiastic reports from Beale, common soldiers could not get along with the temperamental beasts, and teamsters complained about the terrifying effect upon their mules. During the Civil War the herds dispersed. So ended one attempt to hold the West to the South until a railroad could forge permanent bonds.

In response to Western demands (previously mentioned) Congress made adequate provision, March 1857, for the establishment of an accelerated overland mail from Missouri to California. The contract, which was let to John Butterfield by the Postmaster General, A. V. Brown of Tennessee, called for a semi-weekly, twenty-five day postal service (both directions) from St. Louis and Memphis via El Paso and Los Angeles to San Francisco, a circuitous route of nearly 3000 miles. The remuneration was \$600,000 annually. This route, Brown insisted, was the only practicable one for year-round use, but Northerners generally ascribed his choice to Southern sympathies.

*The Butterfield route*

The "Butterfield Overland Mail" inaugurated its active service in September 1858. Stations at intervals of about a dozen miles made possible the relays of horses or mules necessary for continuous travel. The famous Concord coaches, made by Abbott, Downing and Company of Concord, New Hampshire, were used. They would accommodate from four to nine persons inside and as many as were permitted or willing to hang on outside. Leather boots fore and aft were for mail and baggage, and leather thorough-braces rather than springs provided the buffer between rough terrain and passengers. Travelers were welcomed, and a considerable revenue was derived at about \$200 per person. The fare included neither meals nor luxuries of any sort—only the privilege of enduring twenty-five mortal days and nights of jolting in cramped quarters. No wonder passengers sometimes took a considerable share of their baggage allowance in jugs.

The outbreak of the Civil War caused the removal of the Butterfield line to the Central route—St. Joseph (connected east-



ward by rail in 1859) to San Francisco via Salt Lake City—in Union territory, where Northern protagonists had “known” from the beginning that it should have been located. Here it operated until the completion of the Union Pacific (1869) sealed its fate.

*The Pony  
Express*

In the meantime the most dashing and romantic chapter in the history of American transportation was written by the short-lived Pony Express. In order to prove the practicability of the Central route, and with an eye to a lucrative mail contract, the firm of Russell, Majors and Waddell inaugurated, April 3, 1860, a ten-day service from St. Joseph to Sacramento. Californians who had seen much happen in a decade marveled at this new evidence of the “fast age” in which they were living. Day and night, through dangerous Indian country, stout-hearted ponies and daring young men galloped their lonely beats. If for any reason a rider was incapacitated another extended his own “run.” “Buffalo Bill” rode 320 miles on one trip, and “Pony Bob” Haslam exceeded that record by 60 miles.

The Pony Express came to a sudden end in October 1861. In that month the first transcontinental telegraph line, connecting San Francisco with New York, was finished. With it horse flesh could not compete.

## Chapter Forty

### RENEWAL OF THE SLAVERY CONTROVERSY

UNTIL 1854 the conscientious efforts of unionists in behalf of the finality of the Compromise of 1850 were abetted by a popular desire to submerge the troublesome slavery question in the pursuit of peace and prosperity. But various factors and conditions made it increasingly evident that the calm was more apparent than real. The election which placed Franklin Pierce in the White House (1853) marked the ruin of the Whigs, who unsuccessfully had tried to satisfy both sections. The rapid dissolution of the party severed an important bond of national union.

Perhaps still more significant was the passing of the older generation of statesmen who had made the Compromise—men who had caught the spirit of nationalism engendered by the War of 1812. Henry Clay died in June 1852; Webster followed him in October of the same year. Whatever the political foibles of Clay, his labors in behalf of the Union endeared him to the entire nation. Webster, likewise, for over a quarter-century had been a rock on which nationalists everywhere might find anchorage. Benton, for thirty years a highly influential senator, lost his seat in 1851, and Van Buren was already definitely out of politics.

*Passing of  
old leaders*

Among the younger generation were several unionists who joined forces with Cass of Michigan and Marcy of New York, but they lacked the poise and judgment which come from ripe experience. Theirs was little of that devotion to the Union which could impell the sacrifice of all else for its preservation. The failure to prevent an unnecessary war is the best measure of their union sentiment. Of this younger group Stephen Arnold Douglas of Illinois was most outstanding. He never permitted slavery to upset his balance, but his pugnacious courage antagonized many

*Younger  
unionists*

people and seemingly interfered with his judgment. Associated with him were the Southern unionists, Clayton of Delaware, Cobb of Georgia, Crittenden of Kentucky, and Bell of Tennessee, some of whom could not stand the final test of 1860-1861.

*Southern  
radicals*

But the unionists were in the minority, and in the final outcome it was the radicals of North and South who shaped the destiny of the nation. Trained in politics after the beginning of the abolitionist movement, most of them felt morally bound, if Southerners, to preserve the South and its institutions, or, if Northerners, to prevent the spread of slavery into the territories. Mutual concessions became increasingly alien to their interests. Most extreme among Southern secessionists were Barnwell Rhett of South Carolina, the "Father of Secession," and John Quitman and A. G. Brown of Mississippi. They distrusted the North because it countenanced abolitionists, and openly calculated the value of the Union. The most influential of all Southerners after the death of Calhoun was Jefferson Davis. He was outspoken in defense of Southern "rights" but always deplored secession. Yet he was destined to be the president of seceding states.

*Northern  
radicals*

Offsetting these "fire-eaters" were equally unbending "Yankee" radicals. Outstanding in this group were Charles Sumner of Massachusetts, well educated and idealistic but intolerant, William H. Seward of New York, a rather languid machine politician with great capacity for warming to a fight, and Benjamin Wade and Salmon P. Chase of Ohio. At heart an abolitionist, Wade brought Sumner's zeal into the conflict. He was intensely patriotic, but the brutal and vituperative character of his speech maddened Southerners almost as much as Sumner's dangerous command of words. Chase was an able politician of handsome face and splendid physique, and with a consuming and selfish longing for high office. Most of these men had contributed little or nothing to the making of the Compromise, and were opposed to it on general principles. What would be the result when a Congress so constituted should have to face a new sectional crisis?

*Provocative  
conditions*

Outside Congress a portion of the population was determined to have its way regardless of the effect on national harmony. In the South ardent sectionalists looked upon the North with suspicion and harped upon real or imaginary attacks upon Southern

well-being, while expansionists sought new territory (particularly Cuba) suitable for slavery. In the North a growing number of God-fearing men and women espoused abolitionist principles and set themselves to break the spirit if not the letter of the Compromise. It was hardly to be expected that the North would submit to the terms of the Fugitive Slave Law of 1850. By its provisions the alleged fugitive slave was denied jury trial in the state where apprehended (so was any ordinary fugitive from justice), nor was he given the privilege of testifying in his own behalf. The master or his agent had only to present an affidavit before a United States judge or commissioner, whose fee was doubled if the Negro was remanded to slavery! Hindering arrest or aiding fugitives to escape carried heavy penalties.

*Fugitive  
Slave Law*

The passage of the act struck terror to thousands of Negroes who had lived in the North for years in fancied security. A general exodus to Canada ensued; membership in Negro churches dropped as much as ninety per cent; and kidnapers, notably in Southern Illinois, organized and stole dozens of free Negroes who were sold into bondage. Operating the "Underground Railroad" became more sporting than ever, and thousands of "respectable" citizens defied the law as they engaged in the humanitarian work. In 1851 Garrison presided over an antislavery meeting in Syracuse which "resolved, that as for the Fugitive Slave Law, we execrate it, we spit upon it, we trample it under our feet." In the same year and town Gerrit Smith and a clergyman led a mob which rescued a Negro from officers of the law. Three years later, in the most exciting of all cases involving a fugitive slave, the Reverend T. W. Higginson led a mob in a vain attack on the Boston Court House. It required the police and 1100 soldiers to place the runaway, Anthony Burns, on a ship. He was the last fugitive slave returned from Massachusetts.

*Abolitionists  
"carry on"*

A highly provocative source of trouble in connection with the return of slaves were statutes, called "personal liberty laws," in nearly all Northern states, expressly designed to thwart the operation of fugitive slave laws.<sup>1</sup> In consequence of a rescue in Wis-

*"Personal  
liberty" laws*

<sup>1</sup> The enactment of these statutes was encouraged by a Supreme Court decision (*Prigg case*, 1842) in which it was held that the return of fugitive slaves was a federal matter, and that the states were not bound to give assistance.

Personal liberty laws contained such devices as forbidding the use of jails for

consin the supreme court of that state went so far as to declare the Fugitive Slave Law unconstitutional. The case stirred up great national interest because it involved essentially the same issue as that of "nullification" in 1832. To Southerners, however, the case appeared strikingly different: South Carolina "nullified" a tariff law, while Wisconsin and all other states enacting "personal liberty" laws were nullifying a mandate of the Constitution itself.<sup>1</sup> When Chief Justice Taney issued an opinion of the Supreme Court (1859) upholding federal jurisdiction in federal matters (after the manner of John Marshall) he was made the target of barbed abolitionist attacks for his pains.

More powerful as a stimulant to antislavery sentiment than "Uncle Tom's Cabin" "personal liberty laws" or "underground railroads" was Harriet Beecher Stowe's *Uncle Tom's Cabin*, which appeared in book form in 1852. Daughter of a preacher, wife of a preacher, and sister of seven others, Mrs. Stowe poured crusading ministerial spirit into the pages of her powerful moral indictment of slavery. Little difference did it make to the North, or in other countries where the novel was soon published, that her characters were idealized white people in black skins, or that the picture presented was strikingly unfair to the South. Read by hundreds of thousands, and dramatized for the pleasure of nearly every town and city in the North, it exerted a tremendous influence in emotionalizing the sectional aspect of slavery.

So in both the North and South conditions and forces were shaping themselves for what appears to have been an inevitable reopening of the slavery struggle in Congress. The immediate occasion for the outburst was the Kansas-Nebraska Act of 1854, and the author of the measure was Stephen A. Douglas of Illinois.

When Douglas, after four years in the lower house, entered the United States Senate in 1847 at the age of thirty-four he was

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fugitives, guaranteeing jury trial, forbidding state judges to aid claimants, and authorizing writs of *habeas corpus* to fugitives under arrest.

Most of the Northern states had such laws before 1850. New crops followed. Those enacting such laws were the six New England states, New York, New Jersey, Pennsylvania, Indiana, Michigan, Wisconsin, and Iowa. In 1858 Kansas Territory joined the number.

<sup>1</sup> Article IV. "No person held to service or labor in one state . . . escaping into another . . . but shall be delivered up on claim of the party to whom such service or labor may be due."

already a seasoned politician, legislator, and parliamentarian—the idol of Illinois Democrats who long before had dubbed him the “Little Giant.” A massive head topped broad shoulders and a full chest, but his greatest dimension was only five feet, four inches. He had taught school, practiced law, and been a member of the Illinois legislature. Then he graced the state supreme court with so much energy as to be dubbed a “steam engine in britches,” and to acquire the title “Judge Douglas” which lasted throughout his life.

*Stephen A.  
Douglas*

The important role which Douglas played in connection with the Compromise of 1850 has been traced. In that same year he finally won over both sections to his policy of federal land grants in aid of railway construction. As noted in the preceding chapter, the Illinois Central was the beneficiary. Since 1836 the backers of a projected road from Galena in the lead-mining region to Cairo at the mouth of the Ohio could not proceed because the state had no funds. Soon after entering Congress in 1843, Douglas unsuccessfully tried to secure a federal grant for the road. Neither Eastern nor Southern members were interested in the local project.

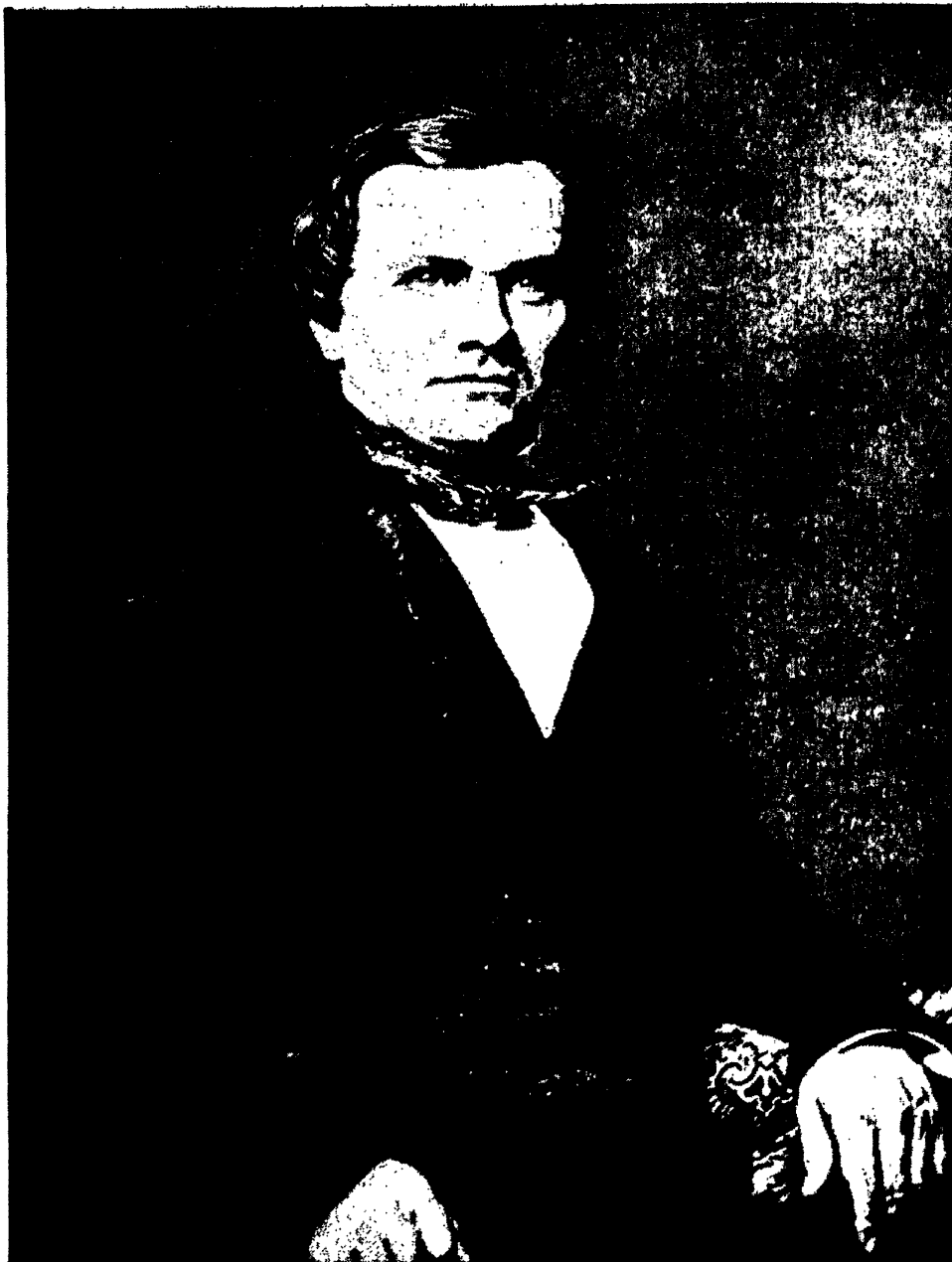
*The  
Illinois  
Central*

After becoming a senator—in the same year that he made Chicago his home—Douglas’ interest in the proposed railroad was linked with a natural desire to bind the strongly Democratic southern and central portions of the state to the Whig and Free Soil northern part which was rapidly filling up from the “Yankee invasion.” What would more effectively unite his state behind him than a railroad to provide all parts of the state with an outlet to the Eastern markets! <sup>1</sup> Some Congressional log-rolling was necessary for the accomplishment of his purpose. In order to interest Easterners, he proposed a branch line to Chicago, and to win Southern support he incorporated a provision for extending the same assistance to the Mobile and Ohio, from the Gulf to Cairo.

Douglas’ legislative success in behalf of the Illinois Central illustrates both a capacity for practical politics and—what was already his greatest public interest—a keen concern for the development of his West. Railroad construction was a means to that end, and herein lies what was probably the dominant motivating in-

*Douglas’  
greatest  
interest*

<sup>1</sup> With a keen eye for speculative profit Douglas invested heavily in Chicago’s real estate, for he could see in the city’s strategic location a great future.



STEPHEN A. DOUGLAS

*Photo by Brown Brothers*

fluence back of the Kansas-Nebraska Bill. For this prairie railway statesman—albeit a politician who dreamed dreams—was fascinated by the role which better communication might play in developing the continent, in promoting trade and the intermingling of people, and in binding the Union more closely together.<sup>1</sup> Speaking with deep earnestness in the Senate (March 1850) he expressed his gratitude that there were those who appreciated “the important truth that there is a growing power in this nation greater than either the North or the South—a growing, increasing, swelling power, that will be able to speak the law to this nation, and to execute the law as spoken. That power is the country known as the great West—the Valley of the Mississippi, one and indivisible from the gulf to the great lakes . . . —from the Alleghanies to the Rocky Mountains. There, Sir, is the hope of this nation—the resting place of the power that is not only to control, but to save, the Union.”

Douglas' concern for his West was inseparably linked with his dream of national unity, and with it political leadership. If the mantle of Andrew Jackson had fallen upon anyone it was Douglas, but unlike Old Hickory the prairie statesman could not make himself the hero of Democracy by fighting Indians and the British. Actually, Douglas became the champion of Young America, a movement of the 'forties and early 'fifties which was characterized by idealism—America, the land of refuge for the oppressed of all nations—romantic individualism, and manifest destiny. After 1850 thousands of the rising generation considered Douglas a sort of demigod. He hoped to further the ideals of Young America and ride the movement into the White House. By 1854 (year of the Kansas-Nebraska Act) the Democrats, particularly in New York and Missouri, were rocked with dissension. Douglas strove to unite the party on some specific issue. The opening of Nebraska to settlement seemed to offer the desired opportunity.

Back of the Kansas-Nebraska Bill were several years of sectional rivalry over a prospective transcontinental railroad. The first great advocate of such an enterprise was Asa Whitney, a New York

*Political  
aspirations*

*Scheme of  
Asa Whitney*

<sup>1</sup> Douglas' interests were broad. He was a voracious reader on many subjects and a lover of the classics. He aided many students, was a regent of the Smithsonian Institution, and not only sponsored the first University of Chicago but donated the land on which it was built.



merchant in the China trade. He was interested in the construction of a railroad from Lake Michigan to the mouth of the Columbia as a means of shortening the distance to the Orient. In January 1845 he petitioned Congress for a charter, and the grant of a sixty-mile strip through the public domain with which to finance construction. He would use the cheap Irish and German immigrant labor which was flooding the country; pay wages largely in land; and thus have settlers along the way to provide business as fast as the road was completed. Congress was indifferent to the scheme.<sup>1</sup>

*Where build?* As a result of the Mexican War other routes (south of Oregon) were possible; and the flood of migration into California convinced the nation that railway communication must be established. But it was believed that for years to come one road would be sufficient. Where should it be located? What should be the eastern terminus? Appreciating the tremendous economic advantages which would accrue to the lucky city, keen rivalry and railway conventions furthered the claims of Milwaukee, Chicago, St. Louis, Memphis, Vicksburg, and New Orleans.

*Advantages  
of Southern  
route*

When Congress convened in December 1853 it appeared that the time had come for building a Pacific road, and that it must be over the Southern route. In that year Congress had appropriated \$150,000 to be spent under the direction of the Secretary of War, Jefferson Davis, for surveying feasible routes to the Pacific.<sup>2</sup> Davis was thoroughly committed to the Southern route—the advantages of which were greatly enhanced by the Gadsden Treaty of that same year—and President Pierce was urging action. Furthermore, the Southern route had the advantage of easier contours, freedom from the snows of winter, and of being wholly within the

<sup>1</sup> Douglas was the only man in Congress who showed any particular interest in the plan, but he insisted that Chicago should be the eastern terminus. In later years, after he had purchased property there, he was charged with mercenary motives when he continued his advocacy of Chicago. After his first failure Whitney entered upon a campaign of popular education, and in 1850 was back with a new proposal supported by memorials from a dozen or more states. Sectionalism killed the possibility of Congressional action.

<sup>2</sup> Five routes were surveyed: (1) From St. Paul westward—the forty-seventh-parallel route, (2) the line of the Platte River, where the Union Pacific was built, (3) the thirty-seventh-parallel route—Benton's favorite—where to this day no suitable crossing of the mountains has been found, (4) the thirty-fifth parallel, and (5) the thirty-second parallel, or Southern route.

states or organized territory. On the other hand, the region west of Missouri and Iowa was the major portion of what remained of the "permanent" Indian Country—unorganized territory in which white settlement was forbidden by federal statute. Until this territory should be organized it was understood that the North would not have a chance for the road.

Railway interests, therefore, gave an added impetus to the normal frontier desire to occupy desirable territory. The myth of the "American Desert" had long been disproved. A few stragglers were defying the law, and in Iowa and Missouri there was a growing demand for the opening of the territory on their borders. As early as 1844 Douglas introduced in the House of Representatives his first bill for that purpose. After 1850 various other Midwestern senators and representatives joined him with similar bills, only to fail because of Southern opposition to any new territories north of the Missouri Compromise line. Furthermore, some Southerners objected to the settlement of territory which would produce rivalry for a Southern Pacific road.

*Early efforts  
to organize  
Nebraska*

In December 1853 Senator Augustus Caesar Dodge of Iowa introduced a Nebraska bill in the exact form that it had passed the House in the previous session. It was referred to the Committee on Territories, of which Douglas was chairman. Because he was responsible for the formulation of a practical policy respecting unorganized territories, the "Little Giant" was under great pressure from conflicting sectional interests. But the time was ripe for action, and he needed no urging. Obviously Nebraska could not be organized without Southern support.<sup>1</sup> Missouri was particularly concerned because a free territory on her border would be a standing invitation to her runaway Negroes. Senator David R. Atchison of that state was demanding repeal of the Compromise if the territory should be organized.<sup>2</sup>

*Action of  
Senator  
Dodge*

Douglas and his committee were willing to make a concession.

<sup>1</sup> The Nebraska bill had been defeated in the Senate in the previous session (23 to 17) by four votes from New England and one from New York.

<sup>2</sup> Prior to the summer of 1853 Atchison had opposed organization of the territory, believing the Missouri Compromise to be firmly fixed. He would "see Nebraska sunk in hell before he would vote for it as a free soil territory." But many Missourians wanted to settle there; moreover they hoped to make St. Louis the terminus of a Pacific railroad. So Atchison demanded organization of the territory, but with the repeal of the Missouri Compromise.

*Douglas'*  
*committee*  
*reports*

On January 4, 1854, he reported the bill with a portion of the Compromise of 1850 added in the form of an amendment:

And when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their Constitution may prescribe at the time of their admission.

In other words, "popular sovereignty," as employed in the Compromise of 1850, was to be extended to Nebraska. As Douglas explained, he and his colleagues were of the opinion that the principles of that Compromise were not intended to be local, but had superseded the Missouri Compromise which definitely barred slavery in all territory of the Louisiana Purchase north of 36° 30'.<sup>1</sup> These principles, as set forth in Douglas' report, were:

(1) that all questions relating to slavery in the territories should be left to the residents therein; (2) that all questions involving title to slaves should be referred to local tribunals with the right of appeal to federal courts; and (3) that the Fugitive Slave Law should be applicable even as in the states.

*The Kansas-*  
*Nebraska Bill*

Although the bill implied the repeal of the Missouri Compromise, Southerners were not satisfied. Senator Archibald Dixon of Kentucky, therefore, offered an amendment calling for explicit repeal. Douglas said it would "raise a hell of a storm," but he had no choice if the bill were to pass. The amendment was accepted after Douglas, with the help of Davis, convinced President Pierce that repeal would apply the principle of the Compromise of 1850 (popular sovereignty) and was necessary to keep party harmony. The bill thus became an administration measure.<sup>2</sup> On January 23 Douglas introduced his new Kansas-Nebraska Bill, incorporating Dixon's amendment and providing for the organization of two territories instead of one. The reason for the division, which was made clear at the time, was not that the South should count on another slave state. Rather, it was because Dodge and his Iowa colleagues, believing that "the seat of government and

<sup>1</sup>During the debates of 1850 no one in Congress raised the question whether the new principle of popular sovereignty was to be general in its application or to be applied solely to territory acquired from Mexico.

<sup>2</sup>It has been said that Davis was willing to renounce the Southern route in return for the repeal of the Missouri Compromise. Robert McElroy, a leading biographer of Davis, has found no evidence of this.

leading thoroughfares" must fall south of their state if only one territory were organized, asked Douglas for two. To him one or a dozen made no difference, so he readily complied. The South did not ask for Kansas but did demand the "right" to take slaves into all territory opened to white settlement.<sup>1</sup>

The sectional truce was ended. Never before in Congress had the red flag of slavery been flouted so maddeningly before the bull of antislavery sensibilities. Chase, Sumner, Seward, and Joshua Giddings early grasped the possibility of winning the Democratic party to the cause of abolition by raising a storm of hatred for Douglas and the administration. They asked Douglas for a postponement of debate, then used a portion of the time to draft "The Appeal of the Independent Democrats," denouncing Douglas' bill as "a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot" to convert Nebraska "into a dreary region of despotism inhabited by master and slaves"; a sacrifice of "the dearest interests of freedom and the Union" to the "mere hazards of a presidential game."<sup>2</sup> Thus in bold colors party lines were being redrawn.

*The struggle  
in Congress*

Passions flamed. Douglas' middle name was linked with that of America's most famous traitor; from Maine to Iowa he was burned in effigy, and eighty per cent of New England's clergymen sent a petition to Congress denouncing the proposed bill as "full of danger to the peace and even the existence of our beloved Union, and exposing us to the righteous judgments of the Almighty." Keeping his own balance on the slavery question, Douglas had failed to fathom the depth of Northern sentiment respecting a burning principle involving human freedom. In the bitter debates which followed—more intense than those of 1850, and without a Clay or a Webster to pour oil on the troubled waters—the

<sup>1</sup> A notable exception should be made in the case of Missouri where, as explained above, a strong desire for the rich Kansas prairie lands and an advantageously located Pacific railroad was being furthered by Senator D. R. Atchison. Indeed it seems certain that if Douglas had not sponsored a Nebraska Bill, Atchison would have done so.

<sup>2</sup> This was the beginning of the long-standing but unjust accusation that Douglas provided for the repeal of the Missouri Compromise as a cheap bid for Southern support for the presidency. It would have been a strange way for a man of Douglas' astuteness to go about it, for he needed support in the Northwest equally if not more than in the South, as the election of 1852 had shown. Actually, repeal was the price he had to pay to secure passage for his bill.

Pacific railroad was forgotten; and no one except Samuel Houston, old friend of the red men, remembered the solemn treaty promises that the territory in question had been guaranteed to the Indians forever.

*The bill  
is passed*

Douglas' later assertion, "I passed the Kansas-Nebraska Act," was essentially true. He silenced Sumner and Seward and won an apology from Chase. Early in the morning of March 4, after an all-night session, the bill passed the Senate, 37 to 14. In the House unexpected opposition appeared. Many members were armed with pistols and bowie knives, and threats of violence, drawn guns, and narrowly averted bloodshed provided a liberal dash of local color for a hundred set speeches. Douglas directed tactics for his friend, W. A. Richardson of Illinois, who was in charge of the bill; Alexander Stephens provided parliamentary skill; the screws of administration pressure were applied, and the bill passed (May 22) by the slender margin of thirteen. On May 30, a day of peculiar significance for the "boys in the blue and the gray" of later years, the President's signature was affixed.<sup>1</sup>

*Significance  
of the Act*

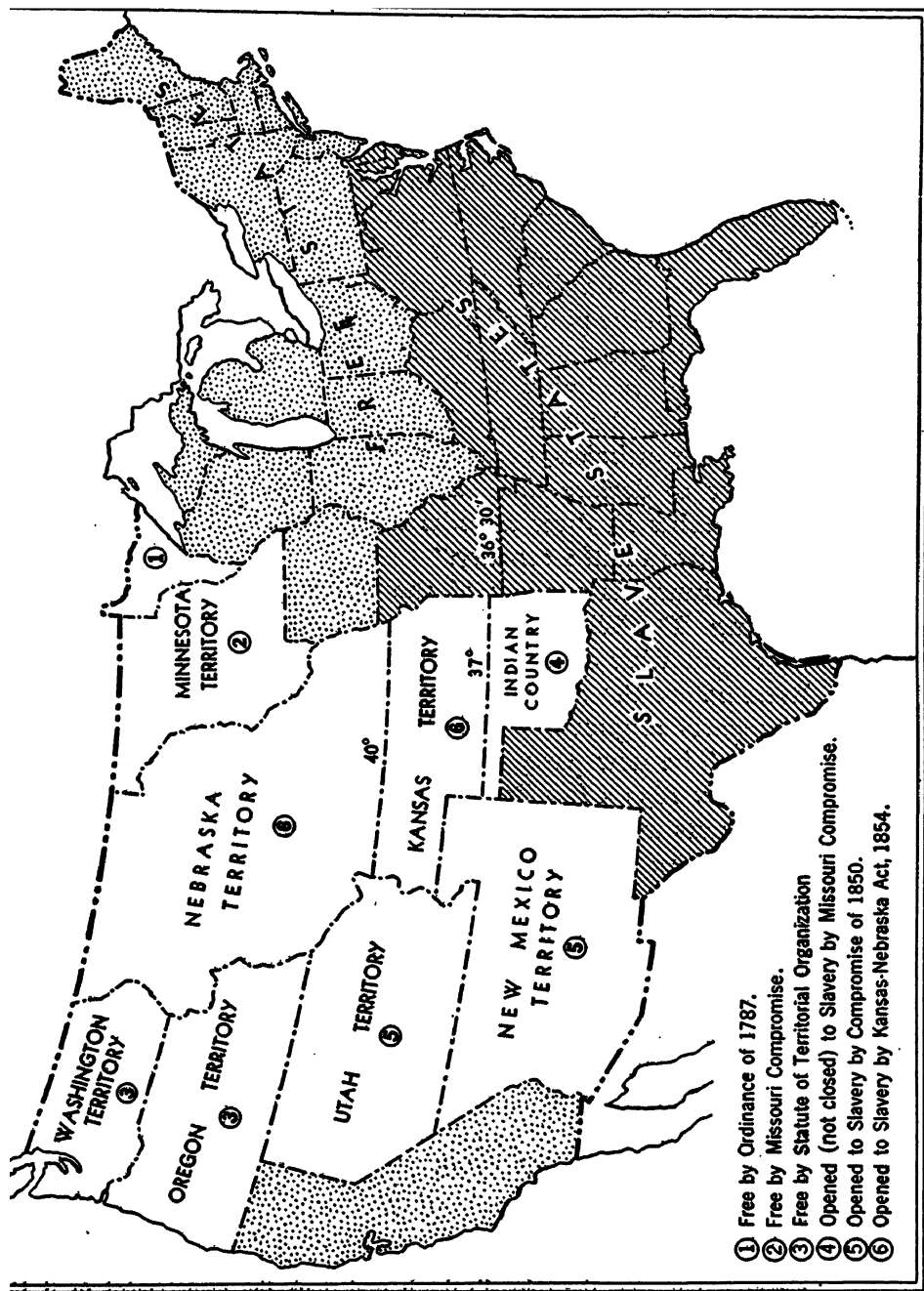
The Kansas-Nebraska Act was easily one of the most fateful legislative measures in American history. It swept away the worthwhile results of the Compromise of 1850, renewed the sectional strife with increased bitterness, and started a train of events that led to secession and the Civil War. It made Douglas so unpopular in the North that he later said he could travel from Boston to Chicago in the light of his burning effigies. In his home town a great hostile audience would not even permit him to defend his position.<sup>2</sup>

*Douglas  
and slavery*

How much blame for the consequences must Douglas bear; what were his motives? He did not create the slavery issue, nor was he urging proslavery measures. There is no evidence that the ownership of slaves by his first wife, Martha Martin of North

<sup>1</sup> By the terms of the Act all territory in the Louisiana Purchase north of the thirty-seventh parallel was organized as two territories divided by the fortieth parallel. Popular sovereignty was applied, and the Missouri Compromise explicitly repealed.

<sup>2</sup> Never was his courage shown to better effect than on this occasion. For nearly four hours on a Saturday evening in the Public Square he tried to speak, only to be hissed and howled down. Finally he looked at his watch and in a lull shouted, "Abolitionists of Chicago! It is now Sunday morning. I'll go to church and you may go to Hell."



STATUS OF SLAVERY IN THE STATES AND TERRITORIES IN 1854

Carolina, affected his public acts,<sup>1</sup> although his Southern connections gave him understanding and sympathy for the region. On the contrary, he tried to subordinate slavery in the furtherance of other national issues. His railway interests were well known to his closest friends. In addition he sought to prevent dissolution of the Democratic party by providing popular sovereignty as a great unifying principle—a solution which he believed would permanently “withdraw the question of slavery from the halls of Congress and the political arena.” He rightly believed that slavery could not be profitable in the Nebraska territory, and that popular sovereignty inevitably would make free states of it. Unlike abolitionists, whom he cordially disliked, he could not ignore the South. Nevertheless, because of his tremendous blunder, Greeley felt free to declare that “Pierce and Douglas have made more Abolitionists in three months than Garrison and Phillips could have made in half a century.”

Effect on  
parties—  
Republicans

The immediate effect of the Act upon political parties was striking. The Whigs received their *coup de grace*; the Democrats were split wide open; and a new party (Republican) was born. Even before the Act became law the prevailing tendency toward new party alignments laid the foundations for the Republican party. The new party was a Midwestern gift to the nation. In February 1854 a few Free Soilers met with a group of antislavery Democrats and Whigs at Ripon, Wisconsin, and threatened the organization of a party dedicated to “the sole issue of the non-extension of slavery” if the Kansas-Nebraska Bill should pass. On July 6, following, at Jackson, Michigan, a mass meeting adopted the name “Republican.” In other parts of the country conventions followed, and candidates were nominated for the fall elections. Purely sectional, the new party offered at first a convenient brotherhood in which to sink all differences in the interest of one great cause; but outside the North Central states growth was rather slow, although Maine and Vermont went Republican in 1854. Free Soilers failed to see the need of a new party; in New York the leading Whig, William Seward, refused

<sup>1</sup> Douglas' father-in-law, Colonel Robert Martin, offered him a valuable Pearl River estate in Mississippi with many slaves as a wedding gift. Douglas would not accept it but after the colonel's death undertook the management of it for his wife. He never owned a slave.

to swing into line for over a year; many Anti-Nebraska Democrats hesitated to become "Black Republicans"; and in the East a way was found to punish the Democrats by capitalizing on ignorance and prejudice.

The Know-Nothing (American) party, founded in New York in 1849 as the "Order of the Star Spangled Banner," was a phenomenal political exploitation of native American dislike for immigrants and Roman Catholics. A violent anti-Catholic campaign—fostered by the press, Protestant churches and societies, and aggravated by the visit of a tactless papal nuncio—produced hysteria in many places. Thousands feared the Republic was in imminent danger from Rome. Radical Germans and savage criticism of American institutions by the immigrant press fed the movement. The charm of secrecy, with signs, grips, passwords, and other winsome trappings of fraternal orders, further accounted for a mushroom growth. When questioned by outsiders the invariable reply was "I know nothing." All members were pledged to vote only for native Americans, to combat the Catholic Church, and to work for a twenty-one-year naturalization requirement.

*The "Know-  
Nothings"*

In 1854 the new party won startling victories, the more so because its campaigning was done in secret. Massachusetts and Delaware were won, and New York narrowly escaped. About seventy-five congressmen were sent to Washington pledged to war against the Pope and his minions. Members organized local clubs bearing such names as the "Rip Raps," the "Rough Skins," the "Plug Uglies," and the "Blood Tubs." In Baltimore on election day the Blood Tubs would seize an undesired voter and douse him in a tub of blood obtained from a slaughterhouse; and the Plug Uglies carried shoemaker's awls with which to "plug" voters unable to give the proper signs.<sup>1</sup>

*Their rise  
and decline*

In 1855 still greater victories were won by the Know-Nothings, or Americans as they now called themselves. Confidently they expected to carry the nation the next year; but slavery wrecked their hopes. In the party's national convention of 1855 Southern members forced the adoption of a proslavery resolution. It was a knockout blow. Outside Maryland—the only state to support

<sup>1</sup> The election-day toll in Baltimore in 1856 was 10 killed and 250 wounded.



the American presidential candidate in 1856—the party threw up the sponge.

*The race  
for Kansas*

The most dramatic result of the Kansas-Nebraska Act was the struggle for Kansas. There popular sovereignty set the stage for a kind of glorified, running dog fight. Everyone understood that Nebraska would not be contested by Southerners, so all eyes and many feet pointed toward Kansas. The settlement of this territory was abnormal in most respects. A land office was opened in July 1854, and a few settlers, who were interested in land rather than sectional politics, moved in from the nearest states. But before the end of the summer others were coming—some from great distances—for the primary purpose of maintaining Southern “rights” or for establishing bulwarks of freedom. In their zeal for the cause of an oppressed race, God-fearing abolitionists trampled upon the rights of the poor Indian.<sup>1</sup> But that was a different matter!

*Emigrant  
Aid Societies*

From Massachusetts came settlers “assisted” by the New England Emigrant Aid Society. Eli Thayer, a college head with an eye for pecuniary profit as well as philanthropy, was the chief promotor. Similar societies were organized in other places. Emigrants sent to Kansas under the auspices of these societies were few in number, and their influence in determining the outcome was negligible;<sup>2</sup> but the fact that they were financed by Easterners for the sole purpose of preventing Kansas from being a slave state was maddening to the South. Missouri sent out an appeal for settlers to enable her to offset the Northern advantage. The only notable response was made by South Carolina, Georgia, and Alabama, which together sent some 300 men under Major Jeffer-

<sup>1</sup> In 1853 the Commissioner of Indian Affairs was directed to treat with the border Indians for their removal. With much distaste for his job, Manypenny signed treaties to that end with most of the tribes. Some of them, notably the Delaware, occupying strategic territory along the Kansas River, refused to cede all their land; moreover, it was agreed that that which was ceded should be held in trust by the United States as a safeguard for Indian rights. Settlers paid little attention to the arrangement.

<sup>2</sup> The New England society sent less than 1300 in 1854-1855. By 1857 the society had disappeared.

According to the census of 1860, all New England furnished only 4208. Massachusetts (1200) supplied more than the entire Lower South (1007). Ohio with somewhat more than 11,000 was slightly ahead of Missouri. The Old Northwest supplied 37,000.

son Bufort of Alabama. Bufort sold his slaves to raise enough money for the expedition.

With a much smaller migratory population, the South was at a distinct disadvantage in the contest for Kansas. Moreover, because the territory was not suitable for plantations, few men of property would go or risk taking their slaves into a region where there was no assurance of protection. The census of 1860 showed only two slaves in the territory. If Kansas were to be saved for slavery Missourians would have to do it. When they tried to keep Northern "mercenaries" from reaching Kansas by an attempted blockade of the Missouri River, Emigrant Aid Societies met the call for help by sending out the latest Sharps rifles in boxes sometimes labeled "Bibles." "Beecher's Bibles" they were soon called after the divine who urged their use as a "truly moral agency" in Kansas.

*"Beecher's  
Bibles"*

The first governor, Andrew H. Reeder, a Pennsylvania Democrat, arrived in October 1854. His chief interest seemed to lie in prospective town sites (with an eye to speculation), but he managed to set November 29 for the election of a territorial delegate to Congress. On that day Senator Atchison led over 1600 "Blue Lodge" Missourians into Kansas on the neighborly mission of assisting the newcomers by casting votes in their election. Without violence the proslavery candidate was chosen. Congress seated him in spite of irregularities. In March 1855 an election was held for a territorial legislature. A census of February had shown a total of 8601 inhabitants, about 3000 of whom were qualified voters.<sup>1</sup> But over 6000 votes were cast! Missourians had given their assistance once more. However, fraud was practiced on both sides. New elections in six districts where fraud was most flagrant helped the situation but little; for when the legislature assembled at Pawnee, Reeder's own town-site, all antislavery members were promptly unseated. A bill was then passed over the governor's veto for moving the capital to Shawnee Mission. There a drastic slave code was enacted. It was a challenge to

*Popular  
sovereignty  
on trial*

<sup>1</sup> Over half of the total population came from the South. If the census had been taken the previous fall it must have shown free soilers in the majority, for many hundreds of settlers from Iowa and Illinois had staked out claims then returned home for the winter. Before 1856 Northerners were definitely in the majority.

Northern fighting blood. Disgusted with the proceedings, Reeder reported to President Pierce, only to be removed.<sup>1</sup>

By equally unconstitutional methods, free-state men in the same year held a convention at Topeka and adopted a free-state constitution. They then elected a governor, Charles Robinson, and a legislature. Robinson had been trained in the rough-and-tumble tactics of California politics, and was the Kansas agent of the Massachusetts Emigrant Aid Society.

*Violence and John Brown* By the beginning of 1856, therefore, popular sovereignty had resulted in two distinct and irregular governments, neither of which seemed likely to gain the support of the other. It was inevitable that fighting should extend beyond merely personal affrays. In December 1855 an ominous movement terminated in the bloodless "Wakarusa War." On May 21, following, "border ruffians" (Missourians) sacked Lawrence, the "hotbed of abolitionism." Three days later John Brown with six followers returned the compliment by dragging five proslavery men from their homes on the Pottawatomie and butchering them with sabers. Calling it the "Pottawatomie massacre" does not change the fact that it was carefully planned, cold-blooded murder, the more reprehensible because four of the victims were members of the county grand jury, or in some other capacity connected with a recent session of court. Were legal processes to be made impossible by intimidation and violence? A four-month reign of terror followed.<sup>2</sup> "Bleeding Kansas" held the attention of Congress and the nation.

Before many years Brown was popularly known as the "Liberator of Kansas." Nothing could be further from the truth. Because of his lawless actions, which no one except rank abolitionists could condone, he was a constant embarrassment to the free-

<sup>1</sup> The reasons given for Reeder's removal were his dilatory actions and his land speculation. Jefferson Davis had nothing to do with his removal.

The difficulty encountered in keeping a governor in Kansas is shown by the number who held office during the less than seven-year territorial period. Reeder was followed by Shannon, Geary, Walker, Denver, and Medary.

<sup>2</sup> Only one of the criminals was arrested, and the case never went to trial. A semblance of order was restored by Governor Geary in the fall of 1856, but bloody clashes were soon resumed. The last extreme violence occurred on the *Marais des Cygnes*, May 19, 1858, when five free-state men were slaughtered. Thereafter sporadic outbreaks continued until the Civil War, when the opportunity was provided for settling long-standing accounts,

state cause during the few months, all told, which he spent in Kansas.<sup>1</sup> But the damage he did to the Northern cause was more than balanced by an attack made by a Southerner, Preston S. Brooks, on Senator Sumner two days before the "Pottawatomie massacre." However reprehensible the attack may have been, it was not without provocation.

As one of the most pronounced of Massachusetts abolitionists, Sumner turned his splendid education to the production of what he intended to be "the most thorough philippic ever uttered in a legislative body." For weeks he carefully polished every sentence, and even rehearsed before close friends to secure the best effect. On May 19 and 20, 1856, immaculately dressed for the occasion, he delivered his masterpiece—"The Crime against Kansas"—before a crowded Senate. When Sumner had finished his oration, the oldest member of the body, Lewis Cass, pronounced it "the most un-American and unpatriotic that has ever grated on the ears of the members of this high body." If Sumner had spoken suddenly in the heat of passion the indecent and slanderous phrases which sprinkled his text might have been condoned; under the circumstances there was not the slightest palliation or excuse. Considering the sequel it is only fair to quote from the "Crime" which was "the rape of a virgin Territory, compelling it to the hateful embrace of Slavery." In order to drive home his shafts Sumner made the courteous Andrew Pickens Butler of South Carolina—one of the most respected members of the Senate, and absent at the time—the special target of his attack:

*"The Crime  
against  
Kansas"*

<sup>1</sup> Brown was a *Mayflower* descendant on his father's side. His mother died insane when he was eight. At different times and places he tried in turn being a surveyor, a tanner, a wool merchant, and a sheep raiser. He failed in all, went through bankruptcy, and spent time in a county jail. His only notable success, aside from stirring up trouble as an abolitionist, was in fathering twenty children. In the spring of 1855 five of his sons went to Kansas, soon sending back a call for help. Brown raised \$60 (Gerrit Smith gave \$20), left his family at North Elba, New York, and set out for Kansas in August 1855 with a one-horse wagon filled with guns and ammunition. It was his eleventh migration.

In the fall of 1856—after the Pottawatomie murders and proslavery retaliation in which one of Brown's sons was killed—Brown was again in the East. Some acquaintances detected insanity, but Emerson found him "a pure idealist of artless goodness." F. B. Sanborn, G. L. Stearns, T. W. Higginson, Theodore Parker, and S. G. Howe furnished Brown with supplies, arms, and a little money. Brown returned to Kansas in the late fall of 1857, but found the situation had quieted down, so he departed shortly afterwards.

Of course he has chosen a mistress to whom he had made his vows, and who, though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight—I mean the harlot slavery. For her his tongue is always profuse in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for this senator.

On the second day Sumner flung new insults at Butler,<sup>1</sup> then proceeded to attack the “shameful imbecility” of South Carolina’s history, which, if blotted out, would represent a lesser loss to civilization than has already been gained “by the example of Kansas, in its valiant struggle against oppression.”

*Brooks’  
assault on  
Sumner*

In the gallery sat Brooks, Butler’s nephew and a member of the House from South Carolina. Unless angered he was gentle and gracious. His personal code of honor demanded that the insults to his state and kinsman be redressed. Legal satisfaction for Butler was impossible, and Sumner abhorred dueling. Consequently, two days later when the Senate was not in session and but few members were in the chamber, Brooks advanced upon Sumner at his desk, quietly announced his intention, and proceeded to break his cane over the head of the helpless Senator. Bleeding and unconscious, Sumner fell to the floor.<sup>2</sup> Until he returned to the Senate, over three years later, Massachusetts honored his martyrdom to the cause of freedom by leaving his seat vacant.<sup>3</sup>

<sup>1</sup>Said Sumner, Butler “overflowed with rage at the simple suggestion that Kansas had applied for admission as a state; and, with incoherent phrases, discharged the loose expectoration of his speech, now upon her [Kansas] representative, and then upon her people. There was no extravagance of the ancient parliamentary debate which he did not repeat; nor was there any possible deviation from the truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration. But the Senator touches nothing which he does not disfigure. . . . He shows an incapacity for accuracy, whether in stating the Constitution or in stating the law, whether in the details of statistics or the diversions of scholarship. He cannot open his mouth but out there flies a blunder.”

<sup>2</sup>Douglas (to whom Sumner had paid his respects along with Butler) was in a reception room and, like Toombs, did not arrive on the spot until after others closer at hand had interfered to stop the attack.

<sup>3</sup>There is a wide difference of opinion as to the reason for Sumner’s absence. The usual explanation is that his injury was so serious as to require three years for recovery. Critics, on the other hand, charge him with capitalizing on his new-found popularity. Sumner regained consciousness before he was carried from the Senate floor. One of the most prominent physicians of Washington, Dr. Cornelius

Brooks voluntarily left the House after an unsuccessful attempt to expel him; whereupon his state promptly returned him, and admiring friends conferred enough canes to chastise all the abolitionists in the Senate.

The popular reaction to the whole affair was an eloquent manifestation of the growing bitterness between the sections. In the South it was Sumner's speech that was considered the flagrant wrong, while the North took it in her stride. On the other hand Brooks' assault, condoned by many in the South, set the North on fire. From press and pulpit "Bully" Brooks was excoriated as the brutal ideal of slavocracy. The affair gave to antislavery forces and Republican party a mighty advantage.

*Popular reaction to the affair*

With feelings thus aroused, politicians turned to the choice of presidential candidates. A few days after the Sumner-Brooks encounter the Republican party met in convention at Philadelphia, prepared to capitalize on "Bleeding Kansas." Exercising caution they passed over Seward and Chase, whose political antecedents were antagonizing, in favor of the inconsequential John C. Frémont. As the popular "Pathfinder," it was hoped that his weakness might be submerged in the growing intensity of anti-slavery feeling. They further sought to unite all factions in the North on a platform denouncing "those twin relics of barbarism, polygamy and slavery," and demanding the admission of Kansas under the Topeka Constitution.

*Presidential campaign, 1856*

The position of the Democrats was just the reverse—they must avoid the slavery issue as far as possible. In order to hold wavering elements in the party they passed over the claims of Pierce and Douglas and nominated the elderly and conservative James Buchanan. As minister to England he had done nothing particularly noteworthy except to lend his name to the "Ostend Manifesto" and to make a happy concession to the amenities of Court dress by wearing a sword with his evening clothes; but by being out of the country he had avoided taking sides on the Kansas issue. The already scuttled Know-Nothings tried to avoid ex-

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Boyle, attended him and pronounced the injury nothing more than flesh wounds. In January 1857, when reelected to the Senate, Sumner's letter of acceptance mentioned his "complete restoration to health." For some reason, however, he changed his mind and went to Europe. Emerson called him "the whitest soul I ever knew."

tion by nominating the respectable but colorless Ex-President Fillmore and emphasizing nothing but the Union. They might well have saved themselves the effort.

*lection of  
Buchanan* The highly optimistic Republicans waged an active campaign with the slogan "Free soil, free speech, and Frémont." But the Democrats, as the only remaining truly national party, held a great many Northerners who feared the consequences of a radical victory, and won by a vote of 174 to 114. Buchanan carried Pennsylvania, Indiana, and Illinois, and all the South except Maryland which went to Fillmore.

So for the time being the specter of disunion was pushed into the background; but the purely sectional Republican party came dangerously near its goal of controlling the North and the national administration. Equally ominous were Southern threats of disunion if the Republicans should elect a President.

## Chapter Forty-One

### THE IMPENDING CRISIS

WHEN James Buchanan assumed the presidency on March 4, 1857, the outlook for sectional harmony was much improved. There was a lull in Kansas, and anyway people were tired of "Bleeding Kansas"; the purely sectional Republican Party was suffering for lack of an exciting issue; and prosperity had not yet been eclipsed by the panic which became general the following August. Buchanan voiced the hope that questions involving slavery in the territories would be settled by a forthcoming decision of the Supreme Court. To such a decision, "in common with all good citizens," he emphasized, "I cheerfully submit." Two days later, in the *Dred Scott* case, that high tribunal handed down one of the most fateful opinions in its history.<sup>1</sup>

*Optimism of  
Buchanan*

The facts in the case are simple. Scott was an illiterate Missouri Negro, the slave of Dr. John Emerson, a federal army surgeon who was stationed for a while at Fort Armstrong (Rock Island, Illinois) then at Fort Snelling, near the present site of Minneapolis, Minnesota. In 1838 Scott returned with his master to Missouri. Eight years later, after Emerson's death, suit was brought for Scott's freedom on the ground of residence in a free state and later in free territory.<sup>2</sup>

*Dred Scott*

For six years the case dragged through Missouri's courts.

<sup>1</sup> *Dred Scott vs. Sanford*. Buchanan had advance knowledge of the nature of the decision, but the charge of secret "collusion" between the President and the Court is unfounded. At least one newspaper already had published a correct summary of the decision.

<sup>2</sup> In eight cases, 1822-1837, the Supreme Court of Missouri had held that Negroes returning to the state after residence in free territory were free.

There is no evidence that the Scott case was instituted in the interests of either the antislavery or slavery forces.



the Dred  
Scott case

Finally, in 1852, the state supreme court—reasoning that the laws of other states and territories could not be binding on Missouri without her consent—ruled that Scott, having returned to Missouri, was still a slave by the laws of the state.

The parties then agreed on an appeal to the federal courts, and so by a fictitious sale Scott was transferred to Mrs. Emerson's brother, J. F. A. Sanford of New York, thereby making it possible to claim federal jurisdiction on the ground of diverse citizenship. The federal Circuit Court for Missouri sustained the decision of the highest Missouri tribunal.

appeal to  
the Supreme  
Court

The case was then appealed to the United States Supreme Court where it was argued in February 1856. Because of a technicality the case was reargued in December. Then, in the middle of February 1857, the Justices agreed (7 to 2) to hand down a decision holding that Scott was still a slave by the laws of Missouri, as interpreted by the highest court of that state.<sup>1</sup> It was further agreed that the question of the constitutionality of the Missouri Compromise should be completely ignored. If a decision in accordance with this agreement had been handed down, the case must have caused no excitement whatever. But shortly thereafter Justices McLean of Ohio and Curtis of Massachusetts, contrary to the agreement, decided to write dissenting opinions discussing and defending the constitutionality of the Missouri Compromise. When this fact became known, the majority, partly through the insistence of Justice Wayne, felt compelled to take into consideration the whole question of federal jurisdiction over the territories. The outcome was an agreement that Congress did not have the constitutional power to bar slavery from the territories. Chief Justice Taney was then instructed to deliver the opinion of the Court.

It was thus the dissenting Justices, McLean and Curtis, rather than Southern influence, who forced the question of the validity

<sup>1</sup> There was ample precedent for such a decision. In 1850, by unanimous vote, the Court had so decided in the case of *Strader vs. Graham*. It was sound law, and best for the free states because they would thereby not be bound by the laws of slave states. The principle was accepted without question, and has been the basis of many decisions since then.

The delay on the part of the Court was caused by the illness of Justice Wayne and by the tragic death of Justice Daniel's wife.

of the Missouri Compromise upon the Court.<sup>1</sup> Each of the nine Justices wrote an opinion, but that of Taney stood for the Court. *Taney's opinion*



ROGER B. TANEY

*Courtesy of the New-York Historical Society, New York City*

He undertook to prove that a Negro, within the meaning of the Constitution, was not a "citizen" who had the right to sue in the

<sup>1</sup> McLean was the only Republican member of the Court. As a perennial candidate for the presidency, he was seeking an issue for political advancement. Curtis, as a Massachusetts lawyer, previously had been identified with slave interests to the extent that he had been called a "slave catching judge." Having planned to resign from the Supreme Court, he found it advisable to rehabilitate himself with his constituency. His dissenting decision made him famous, and on returning to private practice his fees amounted to \$650,000.

federal courts, because, he explained, for more than a century before the Declaration of Independence and the framing of the Constitution, "that unfortunate race" had

"been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit."<sup>1</sup>

*Dissenting  
opinions*

Curtis showed that free Negroes had been citizens in some states. But this was true neither in Missouri nor Illinois and could not apply to Dred Scott. In the North it was believed that Curtis and McLean "riddled Taney's whole argument." Stripped of redundancy, both dissenting opinions centered on the assertion that Missouri was required to recognize Scott's freedom because he might have claimed freedom in Illinois—a conclusion fundamentally unsound, for by a reversal of circumstances the laws of Missouri would be binding upon Illinois. Consequently, no matter what Scott's status may have been in Illinois he was a slave by the laws of Missouri.

*Constitution-  
ality of  
Missouri  
Compromise*

Immeasurably more significant was Taney's reasoning that Scott could not be free by the Missouri Compromise because slaves were property, and according to the Fifth Amendment Congress might not take property "without due process of law." In other words, the Missouri Compromise was unconstitutional. This part of the opinion was not *obiter dictum*, as frequently charged, but it was unnecessary for a decision. It was the first time since *Marbury vs. Madison* that an act of Congress had been held unconstitutional. Worse still, to antislavery forces it appeared a palpable attempt to range the judiciary on the side of extreme Southerners. For the effect of the decision would be to open every foot of the territories to slavery.

*Popular  
reaction*

In the North a fury of resentment helped consolidate antislavery forces, and the Republican Party was revived. The decision was denounced as "the greatest crime in the annals of the Republic"; the Court was reviled as the pliant tool of slavocracy;

<sup>1</sup> The phrase, that Negroes were "so far inferior, that they had no rights which the white man was bound to respect," was soon torn from its context with extreme injustice to Taney.

and Taney was charged with a "gross breach of trust." Such condemnation was flagrantly unfair. Taney blundered in his judgment, but the action of McLean and Curtis was far more reprehensible. The venerable successor of John Marshall considered slavery an evil, and as a young man had freed the slaves he inherited. No member of the Court owned slaves. Four of them were Northerners, and never had the entire membership of that tribunal been held in higher esteem.

Manifestly the slavery question was political rather than judicial. Instead of allaying bitterness the decision produced exactly the opposite effect. Secession and war came a step nearer.

The next chapter in the slavery struggle was one for which Kansas again called the tune. Shortly after becoming President, Buchanan persuaded the able Robert J. Walker of Mississippi to accept the governorship, promising him support in an impartial administration of the territory.<sup>1</sup> Walker promptly called for the election of delegates to a constitutional convention. Suspicious of Walker and the administration, free-state men held aloof. The result was a proslave convention at Lecompton which drafted a constitution guaranteeing property in slaves and excluding free Negroes from Kansas. But instead of submitting the entire constitution to a referendum, the people were given a chance to vote only on the "constitution with slavery" or the "constitution with no slavery."<sup>2</sup> If the latter prevailed no more slaves might be brought into Kansas, but there would be no interference with those already there. Understanding the trick, and sympathetic toward outside Republicans who were glad to maintain an issue in "Bleeding Kansas," free-state men washed their hands of the whole affair. The slavery clause was approved (6226 to 569) in December 1857.<sup>3</sup>

*Activity  
in Kansas*

With knowledge of the fraud that had been practiced, and against the advice of Douglas, Buchanan recommended (Febru-

<sup>1</sup> Walker, a Pennsylvania-born Mississippian, was the successful Secretary of the Treasury in Polk's administration and principal author of the famous Walker Tariff of 1846.

<sup>2</sup> Not since 1836 (Arkansas) had a territory departed from the precedent set by Mississippi (1817) in submitting its constitution to a referendum; consequently Kansas could not violate altogether the established custom.

<sup>3</sup> When the legislature presented the whole constitution to a vote two weeks later it was rejected, 10,226 to 162.

*Buchanan  
blunders*

ary 2, 1858) admission of Kansas under the Lecompton constitution.<sup>1</sup> In his behalf, he it said that he was seriously alarmed for the peace of the whole country and therefore wished to put an end to the wrangling in Kansas. Once in the Union, slavery in Kansas would cease to be a national issue, for the state could do as it pleased in the matter. But the antislavery forces were not to be mollified by any indirect solution of the problem—Kansas must be admitted free or not at all.

*Douglas  
breaks with  
Buchanan*

Encouraged by the action of the administration, Southern congressmen eagerly seized the chance of making Kansas a slave state to help them in a losing struggle. The sectional balance, broken in 1850, would be further upset by the impending admission of Minnesota; and Oregon would soon follow. But Douglas wrecked their hopes. He broke with Buchanan, and in spite of threats and the proscription of his supporters in the civil service he refused to yield. For years he had advocated popular sovereignty, and therefore could not countenance a clear-cut violation of it even if his principles had permitted. After an acrimonious debate the bill passed the Senate in spite of his opposition; but in the House, where fists were used in aid of argument, his supporters united with Republicans to defeat the "Buchaneers."

*The English  
Bill*

A House-Senate compromise, known as the English Bill, was then adopted. Kansas should vote again on the Lecompton Constitution. If accepted, Kansas would receive the usual grant of land; if rejected, statehood must wait until her population would justify admission.<sup>2</sup> On August 2, 1858, Kansas voted it down, 11,300 to 1788, and passed from the national arena. Admission to the Union came in 1861, after the secession of a portion of the Southern states.

*Popularity  
of Douglas*

The English Bill saved the face of the administration, but the damage was done: Buchanan, through Douglas' opposition, had split the Democratic party and won for himself the name of "Old Obliquity." Douglas' courageous fight even to the extent of refusing to support the English Bill, which he considered a

<sup>1</sup> Governor Walker hurried to Washington after the Lecompton convention to lay the matter before the President. When he learned of Buchanan's purpose he sent in a stinging letter of resignation which became an antislavery pamphlet.

<sup>2</sup> A long-standing popular error was the belief that Kansas was offered a bribe in the form of an unusually large grant of land.

bribe, made him the center of political attention. He had seriously endangered Southern support, but Republicans who had reviled him four years earlier now found him a man of principles. The influential Horace Greeley, William Seward, and other Eastern Republicans smiled upon him, and there was even talk of making him standard-bearer for the party in the next election.

The Lecompton fight was waged by congressmen with an eye to the mid-term elections of the same year (1858). Political interest soon centered on Illinois where Douglas was a candidate for reelection. The senator's break with the administration had split the Democrats of the state, to the great joy of Republicans who joined forces with the "Buchaneers" seeking Douglas' scalp. Meeting at Springfield, the Republican state convention nominated Abraham Lincoln for the Senate. In his speech of acceptance, June 16, 1858, Lincoln said:

*The senatorial contest in Illinois*

"A house divided against itself cannot stand." I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new—North as well as South.

Whether this was a prophecy, or a declaration of purpose, Lincoln never made clear, and he was later evasive under Douglas' charges that it was mere abolitionist frothings. As a prophecy it seems strangely irrational, for there was no disposition in the North to allow slavery there. But the future "Emancipator" sounded a note destined to reverberate through the next seven years of the nation's history.

During the four years since the beginning of the Kansas struggle Lincoln's political fortunes had been rising. The reopening of the slavery question through the repeal of the Missouri Compromise struck a vibrant chord which stirred him from his lethargy. Thereafter he was a marked man in Illinois where already he had become a leading lawyer.

*Abraham Lincoln*

Separating fact from the legend that clusters about Lincoln's

early life is now a fit task only for the experienced student of Lincolniana. Born in Kentucky of humble forbears who had drifted without taking firm root, the young Abraham knew shiftless poverty and a drab and uninspiring outlook both in Kentucky and Indiana before going to Illinois in early manhood. Somehow he avoided most of the vices of the frontier, shunned camp meetings, and acquired the name of "Honest Abe" together with a surprising amount of education, considering his opportunities. He tried keeping a store until it "petered out," was admitted to the bar, dabbled in politics, and married the belle of Springfield against his will. After one term in Congress he would have been glad for another, but his constituents thought differently on the matter; so he settled down to the rather humdrum itinerary of a legal practice which took him from one raw county seat to another. He accepted Jefferson's philosophy, admired Clay's spirit of compromise, and disliked slavery although he sympathized with the South and its problems and considered abolitionists dangerous.

*The Lincoln-Douglas debates*

After the senatorial campaign began, the disappointing size of Lincoln's audiences, together with Douglas' rigorous attack on his "House Divided" doctrine, led him to challenge Douglas to a series of debates. Douglas readily accepted although he knew that he had everything to lose and Lincoln everything to gain. A series of seven debates was arranged—one for each congressional district in which they had not previously spoken.

*Appearance of debaters*

The first debate was held at the little town of Ottawa. Thousands from the surrounding country poured in for the great occasion. Douglas arrived in a carriage; Lincoln in a special Republican train from Chicago. Rival bands blared, and the principals took their places on the platform. A more striking contrast could hardly be found. The diminutive "Little Giant," the peer of any debater in Congress, was aggressively self-confident and graced the platform with the air of a fighting cock. Carefully groomed, with ruffled shirt and coat of the most fashionable cut, he mirrored the taste of his wife who was one of the most beautiful and accomplished of Washington's hostesses. By contrast in matters of dress, Lincoln made few concessions to the wishes of his ambitious wife, and wore a perpetual air of apology.

A battered stovepipe hat—convenient depository for notes and papers—topped winging ears and accentuated his angular six feet, four inches. Rusty, ill-fitting clothes completed the scarecrow effect. The large hands of one used to early toil dangled below sleeves designed for someone else, and bagging trousers struggled unsuccessfully to reach enormous feet. Eastern reporters, to whom Illinois was raw and its accommodations abominable, found the contrast amusing: Douglas waving his arms for emphasis, and Lincoln standing with feet apart and knees braced together, then bending his knees to jerk bolt upright for emphasis. But the West was little concerned about outward appearances, and before long the nation and the world ceased to care what Lincoln wore.

The debaters were well matched. Throughout the series there was much evasive fencing for the purpose of forcing the other into damaging admissions, but on the whole the give and take was of a high order. Douglas accused and denounced "Black Republicans" and Lincoln for demanding racial equality, for defying the Supreme Court (Dred Scott decision), for abolitionizing the country, and for fomenting a sectional war.

Lincoln tempered his statements about slavery to his audiences, but it would appear that he had more sympathy for the Southern position than for that of the abolitionists. Said he:

*Lincoln  
on slavery.*

I will say, then, that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races; that I am not, nor ever have been, in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this, that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race.

Lincoln denounced the Dred Scott decision and prophesied its reversal—the spread of slavery into the territories must be stopped—but, he emphasized, "all the states have a right to do exactly as they please about . . . slavery." Douglas, of course, believed



the territories should have the same right. "I care more for the great principle of self-government, the right of the people to rule, than I do for all the Negroes in Christendom. I would not endanger the perpetuity of this Union."

*The  
"Freeport  
Doctrine"*

By his repeated expressions of indifference concerning slavery in the territories, Douglas showed himself an unacceptable leader for the Republican party. From the standpoint of practical politics Lincoln's main purpose, therefore, was to make Douglas appear unacceptable to Southern Democrats as well. At Freeport, in the second debate of the series, Lincoln put a set question to his opponent. "Can the people of a United States Territory, in any lawful way . . . exclude slavery from its limits prior to the formation of a state constitution?" If Douglas answered *yes*, upholding his doctrine of popular sovereignty, he would offend the South which had repudiated that doctrine after the Dred Scott decision; if he answered *no* he would jeopardize his senatorial prospects and disappoint many followers in the North. In other words, he must choose between popular sovereignty and a decision of the Supreme Court.

Lincoln did not create the cruel dilemma nor maneuver Douglas into a fatal mistake; but he did persist until Douglas' statement, known as the "Freeport Doctrine," forcibly brought home to the people the inconsistency between the principles involved. Douglas replied that no matter how the Supreme Court might decide about slavery, the people of a territory "have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day . . . unless it is supported by local police regulations."

Douglas was right; moreover he had taken the same position many times before. But from that time he was unacceptable to the South. He was reelected to the Senate, as he deserved to be; but, more significantly, Lincoln became a national character, and the Republicans found a new leader. It should be added that the Republicans actually cast a heavier popular vote than their rivals. But (until 1914) senators were elected by state legislatures, and in Illinois, thanks to a districting which had the effect of minimizing the Republican strength, the Democrats retained control of the legislature, and hence chose Douglas.

The interest and excitement produced by Lincoln's famous forensic encounter with Douglas was overshadowed the following year by John Brown's insane attack upon slavery in Virginia. Before his first visit to Kansas, Brown was having visions of servile insurrections, and as early as 1857 had in mind an attack on slavery. In February 1858, his plan for violence was disclosed to Gerrit Smith and others. At that time Brown expected to begin operations in the spring of 1858, but his drill master, Hugh Forbes, turned against him and divulged what he knew of the plans to members of Congress. Smith and his prominent associates, Theodore Parker, S. G. Howe, T. W. Higginson, F. B. Sanborn, and G. L. Stearns, therefore decided to lie low while Brown went off to Kansas to disarm suspicions.<sup>1</sup> On this third appearance in Kansas, Brown bore the assumed name of Shubel Morgan. A few months later he led a raid into Missouri, stole horses, killed a planter, and liberated eleven slaves who were escorted to Canada. Thus far, according to the record, Brown was a murderer, a horse thief, and a Negro-stealer; and in the eyes of the government was a dangerous outlaw. But Gerrit Smith could declare him "most truly a Christian," and headed a subscription list which raised \$3800 for Brown although Smith and some others were acquainted with the latter's plans.

Brown's scheme was to establish a rendezvous in the mountains of Virginia from which raids could be made. Slaveholders would be taken as hostages, and the liberated slaves would be armed to beat off any military force that could be sent against them. Gradually the scope of his operations would be widened; Northern support would come to his aid and slavery would be doomed.

In July, 1859, Brown rented the Kennedy farm, about four miles north of Harper's Ferry, and there assembled men and arms—Sharps rifles, revolvers, and pikes. Harper's Ferry, at the mouth of the Shenandoah, was not only a convenient gateway to the South but the location of a federal arsenal and armory. On Sunday night, October 16, with eighteen followers, including three of his own sons and five Negroes, Brown undertook his last and

*Activity of  
John Brown*

*His plan of  
violence*

*The raid on  
Harper's  
Ferry*

<sup>1</sup> After his second visit to Kansas he turned up in Canada with a dozen whites and thirty-four Negroes, and at Chatham (May 8, 1858) drew up a "Provisional Constitution . . . for the United States."

most desperate raid. Telegraph wires were cut, the bridge across the Potomac River was seized, and by midnight he was in possession of the town. He then sent out men to bring in slaves and hostages. The slaves returned home at the earliest opportunity.



JOHN BROWN AND FOUR OF HIS MEN BEING LED TO COURT. LEFT TO RIGHT, COPELAND, GREEN, BROWN, EDWIN COPPOC (CHAINED TO BROWN), AND STEVENS (ASSISTED BY TWO GUARDS)

*The Bettmann Archive*

By Monday noon Brown and his remaining followers took refuge in the engine-house of the armory. On the next morning he was captured by a detachment of marines under Colonel Robert E. Lee.<sup>1</sup> One week later Brown's trial began at Charles Town. It was conducted with the utmost fairness and dignity. The old Puritan would not listen to a plea of insanity, and on October 31 a jury found him guilty of murder and treason.<sup>2</sup> He was hanged

<sup>1</sup>Ten of Brown's followers had been killed; four escaped. Brown was seriously wounded. Two of those who escaped were recaptured and hanged; likewise the four seized with Brown.

<sup>2</sup>Brown's mother died insane; likewise his maternal grandmother. Four of his aunts and uncles were intermittently insane, and another died insane. Five of his first cousins were insane.

on December 2. Alarmed by the outcome, some of Brown's prominent accomplices destroyed incriminating evidence and slipped into Canada. Gerrit Smith became temporarily insane.

If Brown had been killed in the raid the world must have remembered him only as a misguided fanatic; but his deportment during the trial and afterwards was of such an exalted character that many in the North came to believe his assertion that he was divinely commissioned to strike, even as Old Testament leaders who went forth to smite Philistines hip and thigh. Wendell Phillips said that posterity would think of the Potomac "more kindly because John Brown has gilded it with the eternal brightness of his glorious deed, than because the dust of Washington rests upon one side of it." Bells tolled on the day of his execution, and in many places the sentiment of Emerson was echoed—"That new saint" who "will make the gallows glorious like the cross." The apotheosis of Brown was well begun. In less than two years Northern troops were singing ". . . his soul goes marching on."<sup>1</sup> Saint or sinner, his influence was tremendous.

*Northern  
reaction*

The fact that Northerners generally denounced Brown and all his works was lost on the South. To them the raid was the logical outcome of abolitionist teachings. Remembering Hayti, they shuddered and held "Black Republicans" responsible for the outrage which, if successful, must have been accompanied by slaughter, fire, and hideous violence. Overwrought emotions were not helped when Governor Wise of Virginia sent to each governor in the South a murderous pike found in Brown's equipment.

Three days after Brown's body swung from the gallows, a new Congress convened. Immediately a clash began between Southern members and Republicans, many of whom sympathized with Brown. Choosing a Speaker took nearly two months. The Republicans had a plurality as a consequence of the elections of 1858, and their choice was John Sherman of Ohio; but he had made the mistake of endorsing Helper's *Impending Crisis*. Hinton R. Helper, a North Carolinian of the small-farmer class, produced (1857) a powerful economic indictment of slavery by selecting and misinterpreting statistics to prove the backwardness

*Helper's  
"Impending  
Crisis"*

<sup>1</sup>The song was not written for John Brown of Kansas and Harper's Ferry. It was composed for the purpose of making sport of a soldier of the same name in the Twelfth Massachusetts infantry at Fort Warren.

of the South. He made a special appeal to nonslaveholders as victims of a vicious system, urging them to join the Republican party. Appreciating the political value of the book, Republicans printed 100,000 copies for free distribution. To Southerners generally the book, like *Uncle Tom's Cabin*, was anathema and was given but little circulation south of the Mason and Dixon Line.

*Congress  
beats time*

Sherman could not be chosen; a conservative, William Pennington, was. Bad feeling mounted, and blows were narrowly averted. With some exaggeration Senator Hammond expressed the belief that "every man in both houses is armed with a revolver—some with two—and a bowie knife." In the surcharged atmosphere constructive legislation was well-nigh impossible, and little was done except in preparation for the coming presidential election. Unfortunately for Southern hopes of unity in the Democratic party, Jefferson Davis introduced resolutions (February 2, 1860) reaffirming the doctrine of states rights, demanding federal protection of slavery in the territories, defending the Dred Scott decision, and denouncing the "Freeport Doctrine." The resolutions were adopted by the Senate, thus completing the destruction of Democratic unity in the pending campaign.

*Democratic  
convention,  
1860*

When the Democrats met in Charleston, April 23, 1860, for their national convention the outlook was dark. Douglas was the favorite of Northern Democrats and was the best hope of Democratic unity. If nominated by a united party it seems that he must have been elected. But Buchanan had thrown the weight of administration influence against him, and the Lower South was determined to have no more of the Illinoian or his doctrines. Charleston proved a bad choice. Instead of conciliating the two wings of the party it had the opposite effect. Its elite snubbed the plug-ugly members of the New York, Boston, and Philadelphia delegations, and Northerners generally had their prejudices sharpened by their more intimate contacts with some of the unlovely aspects of slavery.

*Dissension  
over  
platform*

The first important work of the convention was the drafting of a platform. The committee chosen for this purpose introduced two reports: the majority demanded protection of slavery in the territories (based on Davis' Senate Resolutions); the minority

recommended Douglas' position. Orations followed. Finally William Lowndes Yancey of Alabama arose. For several years he had been known in the North as a leading fire-eater—the high priest of Southern rights. Yancey was kind and courteous, highly esteemed by his friends, and admired by all who were swayed by the sweetness of his marvelous voice. Oratory he had made a consummate art, and in a different cause posterity must have remembered him as the peer of Webster.

The Alabama legislature in February had resolved that the state would not submit to a "foul sectional party." In the Lower South Douglas was considered little better than a "Black Republican." As usual, Yancey was mild and good-humored but deadly serious. He was acting upon instructions from his state party convention when he issued an ultimatum that the majority platform must be adopted or the Lower South would withdraw from the convention. The Douglas, or minority, platform was adopted, whereupon Yancey led the Alabama delegation from the hall, followed by most of the delegates of the seven other cotton states.

*Yancey  
speech*

Douglas was then unable to command the necessary two-thirds for nomination, so after fifty-seven fruitless ballots the convention adjourned, to meet in Baltimore in June. There Douglas was nominated. Herschel V. Johnson of Georgia was chosen to be his running mate. After many difficulties the seceders met in Richmond and Baltimore and nominated John C. Breckinridge of Kentucky, the then highly esteemed Vice-President.

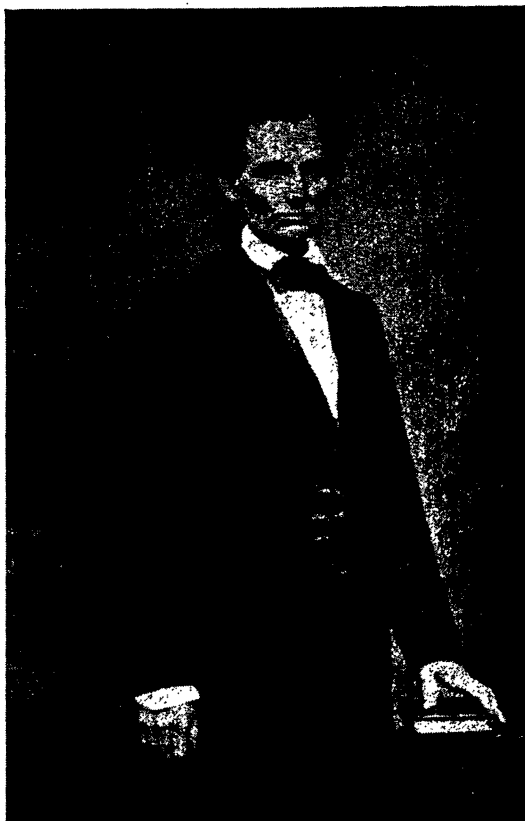
*Failure  
nomin*

The last truly national party had split, and the immediate cause was slavery. The consequence might well mean secession and war. Commenting on the Republican party, Wendell Phillips said, "It is the North arrayed against the South. . . . All hail! then, disunion." Alexander Stephens predicted that "men will be cutting one another's throats in a little while. In less than twelve months we shall be in a war." He was right.

Before the Democrats finally succeeded in making their nominations the Republicans exultantly converged on Chicago. If they did not bungle their golden opportunity the wreath of victory would surely crown their presidential choice. Practiced politicians played the game without a slip. A platform was drawn (a) de-

*The  
Repub  
at Chi*

nouncing slavery in order to hold the abolitionist element;<sup>1</sup>  
(b) demanding a protective tariff as an attractive bait for Eastern



COOPER INSTITUTE PHOTOGRAPH BY BRADY,  
1860

*From the Meserve Collection. Courtesy of Mr.  
F. H. Meserve*

business interests; and (c) advocating a homestead law as a lure for pioneer farmers and aliens. Indeed, the foreign-born Carl Schurz and Gustave Koerner wrote the "Dutch planks" (13 and

<sup>1</sup> John Brown's raid was condemned, and the right of the states to control their own domestic institutions was recognized; but there should be no extension of slavery into the territories—neither Congress, the Supreme Court, nor a territorial legislature might give it legal existence there.

14), demanding a homestead law and generous treatment for aliens.

But the most exciting business was the choice of a candidate. Until convention time Seward was generally conceded the victory. He had been in public life for over twenty years, had the backing of machine politicians, and was acceptable to German-Americans. However, by the same token, he was unacceptable to many others; moreover he was considered an extreme radical. Actually he was not so immoderate as he sounded when he had talked of the "higher law" and the "irrepressible conflict," but the damage was done.

On the other hand, Lincoln's prospects had been rising rapidly since his debate with Douglas. Speaking in many places he had made a fine impression, none more so than in his Cooper Union speech at New York, February 1860. There in a finely prepared speech, tempered to Eastern conservatism, he counseled moderation and forbearance. One of his greatest assets was residence in the important and doubtful state of Illinois. As a Westerner he represented a section considered more doubtful than the East. A considerable share of roisterous Chicago was inside the whiskey-smelling "Wigwam" (the great convention hall) yelling for Lincoln, and the rest was on the outside howling encores. Lincoln's manager, David Davis of Illinois, later of the Supreme Court, made some deals; the support of favorite sons fell away, and Lincoln was nominated on the third ballot.<sup>1</sup>

*Lincoln  
nominated*

Still another party entered the field. Whig and Know-Nothing remnants met in Baltimore in May and organized the Constitutional Union Party. Their candidates were John Bell of Tennessee and Edward Everett of Massachusetts. The party name explains its platform. Its membership was drawn largely from elderly men who, in the spirit of 1850, would not permit sectionalism to blind them to the importance of preserving the Union by the instruments of peace. But sectionalism was too far advanced to permit the solution of a problem by ignoring it, and the "Bell-Ringers" were ridiculed for their well-meaning efforts.

*The Con-  
stitutional  
Union part*

<sup>1</sup> The Indiana and Pennsylvania delegations were promised positions in Lincoln's cabinet. Caleb Smith of Indiana became Secretary of the Interior, and Simon Cameron of Pennsylvania Secretary of War.



*Republican  
campaign  
strategy*

In the ensuing campaign the clever tactics of the Republicans were soon apparent. Protection in Pennsylvania made an irresistible appeal, and in the Old Northwest a portion of the foreign-born vote was enrolled through the highly effective services of Carl Schurz and others. A great share of the two and one-half million immigrants—mostly German and Irish—who came to America during the decade prior to 1860 had settled in this section. The Irish joined the Democratic party—the party of Jefferson and Jackson—and remained there. Naturally they had no inclination to become political bedfellows with the Republicans, who counted many ex-Know-Nothings—a party whose main reason for existence had been opposition to immigrants and Catholics. On the other hand, a good many Germans (probably far fewer than commonly believed) tended to gravitate to the Republican party because of its stand on human freedom and because of the supposed attitude of the Democratic party toward homestead legislation.

*The  
homestead  
issue*

For over a decade organized efforts had been made in Congress to enact a law giving a free farm to actual settlers in the public domain. In 1852–1853 bills were defeated because of a division between East and West rather than North and South. Indeed, the South consolidated its ranks against such a measure only after the Republicans became militant over the free-soil issue. Finally, June 22, 1860, when the presidential campaign was in full swing, Buchanan vetoed a homestead bill, thus emphasizing that which many of the foreign-born of the Northwest believed to be the main issue in the campaign.<sup>1</sup> If the poor Western farmer considered the “Dutch planks” the principal issue, laborers of the East were convinced that the South and Northern capital were somehow allied, and that the competition of slavery was ruinous. They were deeply moved by a favorite question of Republican campaigners: How can the laborer ever expect two dollars a day when it costs a planter only ten cents a day to keep a slave?

*Lincoln  
wins*

North of the Mason and Dixon Line it was Lincoln against the field; for even Breckinridge had a considerable following in the metropolitan East. South of the line the main hope was to pre-

<sup>1</sup> Among the reasons given by Buchanan for his veto were: injustice to early settlers who had paid for their land, also injustice to the great mass of citizens who could not have free farms, also to native Americans as against aliens who might have farms merely by declaring their intention of becoming citizens.

vent Lincoln from winning a majority, thereby throwing the election into the House of Representatives where he probably could not be chosen.<sup>1</sup> As the summer advanced, Douglas was convinced that Lincoln would be elected. Alarmed by the probable consequences, he expressed the wish "to God that we had an Old Hickory now alive in order that he might hang Northern and Southern traitors on the same gallows," then he went South to urge the duty of everyone to submit to the verdict of the people and to maintain the Union. But Lincoln swept every Northern state, except three of New Jersey's seven votes, and won by a clear majority.<sup>2</sup>

In the North Central states Lincoln's margin of victory was close. What was the decisive factor in the outcome? It is the common opinion of historians who have investigated the subject that without the foreign-born vote, particularly the German, he must have been defeated, and that the fate of the Union, therefore, was determined by voters who knew least about American institutions and were least affected by a great issue which was as old as the Union itself. Carl Schurz, who was closer to the foreign voting population than any other prominent politician, gave the credit to the Germans. It now appears clearly evident, however, that the old verdict must be greatly modified if not entirely reversed. Certainly in Wisconsin, where the German population was proportionately larger than that of any other state in the North Central group, Lincoln won a majority in spite of the Germans rather than with their support.<sup>3</sup> In all probability the same was

*Who elected  
Lincoln?*

<sup>1</sup> House members who would exercise the power of voting were elected in 1858-1859. The Republicans controlled only 15 of the 33 states in the Union.

<sup>2</sup>	<i>Candidates</i>	<i>Electoral-vote</i>	<i>Popular vote</i>
	Lincoln	180	1,866,452
	Breckinridge	72	849,781
	Bell	39	588,879
	Douglas	12	1,376,957

There was no popular vote in South Carolina, the only state which still chose electors by the legislature.

Breckinridge carried the entire Lower South, together with North Carolina, Maryland, and Delaware. Bell carried Virginia, Kentucky, and Tennessee. Douglas with a popular vote two-thirds that of Lincoln carried only Missouri and a part of New Jersey.

<sup>3</sup> This fact has been made abundantly clear in a recent study by the late Joseph Schafer, *American Historical Review*, October 1941. This study was based upon a careful survey of the state's population in 1860, made possible by the Wisconsin *Domesday Book*.

true in the neighboring states of Michigan, Indiana, Illinois, and Iowa. The native and older Americans must have decided the great issue. But this is not to say that the Republicans could have carried all these states without the homestead plank.

A little over a third of the total popular vote went to Lincoln, but his slight margin in some populous states proved the decisive factor. An analysis of the returns shows that if the votes of Lincoln's opponents had been combined he would still have been elected. However, this is not to say what would have happened had the Democratic party avoided breaking up in the first instance. It is not without significance that Breckinridge, often called the "disunionist candidate," failed to win a majority of the popular vote of the entire South.

The vote for Lincoln was clearly the most sectional of all. His election was the signal for secession. In fact South Carolina had so decided before the outcome was known.

## Chapter Forty-Two

### SECESSION AND WAR

IN SOUTH CAROLINA the news of Lincoln's election was a call to action. Feeling ran high—a "Black Republican" would be President. The legislature, which had continued in session after choosing presidential electors, promptly called a convention to decide whether to remain in the Union. Neighboring states previously had been informed that secession would be the probable course of action. Calmly and with set purpose convention delegates were chosen. They convened at Columbia on December 17, but because of smallpox immediately adjourned to Charleston. There on December 20, by unanimous vote, an "Ordinance of Secession" was adopted, and signed with prayer. Around Calhoun's grave at St. Philip's a circle of young men made a solemn vow to devote their "lives, their fortunes, and their sacred honor" to the cause of South Carolina's independence. Four days later a "Declaration of Causes" made known to the world the state's justification for the fateful action. South Carolina seceded not only from the North but from the South as well. The action was not the result of a sudden flaming of emotion. Secession had been long considered and threatened. The election of Lincoln was only the last straw. Other states soon followed her example.

By February, Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas in turn had taken similar action.<sup>1</sup> In each there was a determined minority which favored delay—men like Jefferson Davis who wished to give Lincoln's administration a fair trial. In fact, Davis believed that Buchanan by courageous action might

<sup>1</sup> In Texas alone was the ordinance submitted to a popular referendum. It was taken on February 23. In the other states delegates were chosen for the express purpose of deciding the issue, and were clothed with final authority. It is probably a safe guess, therefore, that a popular referendum in all the seven states would have resulted similarly.

have prevented other states from following the course of South Carolina. In Texas, Governor Sam Houston, vigorous old disciple of Andrew Jackson, stubbornly fought secession. He was soon deposed for his refusal to take the oath upholding the Confederacy. The minority was particularly strong in Georgia where Stephens took the lead in pleading for deliberation. The election of Lincoln, he said, was not sufficient cause for disunion. After all, the South, supported by Northern Democrats, would still have a majority in Congress; the Republicans did not control the Supreme Court; and no overt act of offense had been committed. But the fiery Toombs and the persuasive Cobb were among the secessionist leaders. The belief that Georgia could "make better terms out of the Union than in it" prevailed. "I ask you to give me the sword," shouted Toombs. "If you do not give it to me, as God lives, I will take it myself."

*The  
"Confederate  
States of  
America"*

On February 4, delegates from six states met at Montgomery, Alabama, and four days later completed a provisional constitution for the Confederate States of America. Shortly afterwards they chose Jefferson Davis and Alexander Stephens provisional President and Vice-President of the Confederacy. Davis was duly inaugurated on the eighteenth. Secessionists were in haste to have a government established and functioning before Lincoln's inauguration in order to confront his administration with the accomplished fact of union.

*Reasons for  
secession*

Why secession? There were many causes, the relative importance of which is still, and probably long will remain, a matter of disagreement. Without slavery it is inconceivable that secession could have occurred; and it is significant that the cotton states led the way.<sup>1</sup> Only South Carolina and Georgia were among the original thirteen. It is further significant that four Southern states, Virginia particularly, did not secede until warlike aggression had occurred, and that four other slave states *never* seceded. It was the New South, therefore—the region where slavery was still thought to be profitable—which dominated the movement. Many unionists there were in the Lower South, but they had not been as

<sup>1</sup> A special grievance in Texas was the failure of the Federal Government to give satisfactory protection from Indians on her frontiers. The four states which withdrew after the firing on Ft. Sumter fall into a separate category. In their case slavery was certainly only a minor cause for the immediate action.











successful in fighting secession as in fighting abolitionists. The extremists who forced the issue talked much about the dangers to slavery. Even Stephens, speaking at Savannah, March 21, 1861, played into abolitionists' hands when he declared slavery to be "the real corner stone of our new edifice."

Most Southerners did not own slaves; the Confederate Constitution, although specific in its guarantees, contained no fundamental provision for the protection of slavery which did not also exist in the Federal Constitution; moreover Stephens' statement was entirely at variance with President Davis' views. Yet the declaration was accepted by the North as proof that slavery was the all-important thing in the South. Manifestly there were many leaders in the Lower South who were willing to take the extreme step of secession to safeguard slavery, but they did not reach such an emotional pitch until fire-eaters had broken lances with abolitionists who inaugurated the turmoil. In any evaluation of the blame for the fratricidal strife which resulted, abolitionists must bear an awful responsibility.

Historians best qualified to venture an opinion commonly agree that slavery was well on the way toward peaceful extinction. The limits of slave expansion in the United States had been reached. Additions of territory to the United States could not be made without Northern support. Slave labor in the long run was unprofitable, as experience in the older states proved; rapid natural increase of Negroes must have ruined the market in an ever-increasing number of states where slaves were not worth the owning. The institution, it now seems, was doomed—doomed for the same reason that it was fast moving toward extinction in the North.

*Was slavery doomed?*

A more important cause of secession than the institution of slavery *per se* was the clash of two economic systems: one of industrial capitalism based on the wage system; the other, a staple crop agrarianism based on slave labor.<sup>1</sup> Such a division became clearly apparent as early as Washington's administration and was a partial basis for the fundamental differences represented in the rivalries of Jefferson and Hamilton. From that day a conflict of

*Clash of economic systems*

<sup>1</sup> Due allowance must be made, of course, for hundreds of thousands of farmers and middle-class professional people who followed much the same pattern of living, without owning slaves, whether in North or South.

decentralization versus consolidation had obtained. As long as the South dominated the presidency and dictated the solution of most national questions she felt fairly safe. The election of Lincoln signified the end of Southern supremacy.

*The social  
factor*

But slavery was more than the basis for an economic system—it was the solution for a race problem; for be it remembered that Southerners were determined to maintain white supremacy. Rightly or wrongly there was widespread belief that the election of Lincoln by a purely sectional party, whose avowed purpose was to destroy slavery, would make the Southern social system doubly insecure. During the campaign of 1860 Lincoln had taken no pains to reassure the South that he had no intention of attacking any Southern institution.

*Were  
Southern  
fears  
justifiable?*

Looking backward it is easy to conclude that Southern fears were unfounded, and that secession was unwise from the standpoint of slavery protection. Slavery could not be abolished except by an act of war or a constitutional amendment. There were more than enough slave states to defeat an amendment. By secession the South lost all claims to the territories; and runaway slaves, crossing an international boundary, would be subject to no fugitive slave law. If extremists had not led the people to substitute emotions for reason, it would have been evident that a great share of Northerners, like many Southerners from Washington and Jefferson to Robert E. Lee and Davis, favored the gradual extinction of slavery. Actually, there was little difference in the views of Lincoln and Davis respecting slavery within the states.

But to many leaders the election of a "Black Republican" was the last straw. Finally, by whatever forces or experiences produced, there was among Southerners a deep-grounded conviction that coercion as a theory of government was untenable, and a resolute determination that outsiders must not interfere with their way of life. In the Senate, January 10, 1860, Davis succinctly stated the Southern position when he quietly said to Northern senators, "You aggress upon our rights and homes, and under the will of God, we will defend them."

Was there a constitutional right of secession in 1860? The question is now purely academic, but so long as Americans have the capacity for independent thinking there will probably be dif-

*Was  
secession co  
stitutional?*

ferences of opinion about it. Americans did agree that there was a right of revolution—as stated in the Declaration of Independence and exercised in the revolt against England—and to the Southern way of thinking the South in 1860 was standing exactly where Americans stood in 1776. But there had grown up, besides, largely through Calhoun's brilliant development of the doctrine of state sovereignty, a firm belief in the constitutional right of secession.

This doctrine of state sovereignty was first formally expressed in the Virginia and Kentucky Resolutions. The exercise of sovereignty might take the form of nullification or secession. New England Federalists were the first to flirt with secession, and during the War of 1812 developed arguments in defense of the right. Nullification was threatened from time to time by every section—by Massachusetts as late as 1857. Calhoun developed the doctrine so convincingly as to leave no doubt in the Southern mind as to the legality of secession. Briefly stated, the doctrine held that the Union was composed of sovereign states which had voluntarily ratified the Constitution, expressly or tacitly reserving the right to withdraw at will. Southerners were greatly impressed by the fact that Virginia, New York, and other states actually had made such reservations in their ordinances of ratification.<sup>1</sup> Among the first seven to secede only two, it is true, were among the original thirteen states; but the others experienced no difficulty in justifying their action—even as South Carolina and Georgia—on the basis of state sovereignty (which, as their leaders maintained, resided in the people rather than the state governments) and the inalienable right of revolution.<sup>2</sup> On the other hand most thought-

<sup>1</sup> The Virginia ordinance stated: "We the delegates of the People of Virginia . . . declare . . . that the powers granted under the Constitution being derived from the people of the United States, may be resumed by them whensoever the same shall be perverted to their injury or oppression. . . ." See Chapter XIV. Whether the states were older than the Union was still debated. See Webster-Hayne Debate.

<sup>2</sup> In the Confederate Constitution is to be found no specific mention of the "right" of secession. Perhaps this was because the framers took it for granted.

The difficulties which the leaders of the Confederacy experienced in trying to reconcile states rights with the exigencies of a workable central government were foreshadowed in certain provisions that were incorporated. For example, the preamble begins: "We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government. . . ." And again, in Article V, section 1, it was provided that amendments, when ratified by two-thirds of the states, would be binding upon all. In

ful Northerners were coming to believe with Lincoln that the Constitution looked to an indestructible Union—a view that was in harmony with those of Washington, Marshall, and Webster.

Having seceded, the leaders of the Lower South went about the business of organizing a government while the people gave their attention to the pursuits of peace. Confident in their right to alter their form of government, few there were who expected war, and little was done in preparation for it.

*Northern  
reaction to  
secession*

In the North, too, there was inaction. Secession came as a surprise—Southern radicals had talked about it for so many years that their latest threats were dismissed as bluster—and the first reaction was expressed in the words of General Winfield Scott and Horace Greeley: "Wayward sisters, depart in peace!" Even the strongest abolitionists, with relatively few exceptions, neither favored nor expected violence. The *Liberator* ranged on the side of peace, while Whittier spoke in verse for a great share of the population:

They break the links of Union; shall we light  
The flames of hell to weld anew the chain  
On that red anvil where each blow is pain?

Northern capitalists, to whom Southerners owed an estimated \$200,000,000, were fearful that war would result in cancelation—which in the outcome actually happened—and accordingly were the most ardent of pacifists. There was a mutual feeling of relief over the separation of "overbearing" Southerners and "cantankerous" Yankees.

*Changing  
sentiment*

The Northern attitude was destined to change greatly during the four months of confusion preceding the final decisive action of Lincoln. The value of the Union came to have a new meaning: it was a Union which had proved strong enough to stand in the face of foreign danger—an experiment in democracy which was the hope of the common man throughout the world. Thus many

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short, restrictions upon the states were in general much like those in the Federal Constitution. Such provisions were not as inconsistent with the doctrine of state sovereignty as they might at first appear, inasmuch as it was understood that sovereignty was actually an attribute of the people, who could impose such limitations upon the states as might be deemed necessary. In practice, as we shall see, some of the states acted so independently as seriously to weaken the Confederacy.

a citizen became willing to make sacrifices for its preservation. On the other hand, the mercenary motive, as usual, was not absent. To a relatively small portion of the population the prospect of losing a great national asset was disconcerting. How pay for foreign imports without cotton? Many great merchants with Southern business connections, particularly those of New York, had labored during the 'fifties to compromise sectional differences. Mayor Fernando Wood of New York warned against a Republican victory in 1860 because of its threat to business relations with the South. Slavery, said he, had "ceased to be an issue." It is not without significance that the "Empire City" went Democratic although Lincoln carried the state. When South Carolina seceded, Wood recommended the same step for his city, but despite a considerable amount of favorable sentiment the "Republic of New York" died "a-borning."

Meanwhile the ineffective Buchanan—torn by love for the Union, sympathy for the South, and desire for a peaceable adjustment—faced a situation as serious, perhaps, as any other President has ever confronted. "Always elderly," the sentimental old bachelor has been much ridiculed for his prayers and tears;<sup>1</sup> but he kept his head, and it is highly probable that no President in his position could have charted a course more advantageous to the North. Less united than the South, the North gained precious time by his policy of conciliation—gained time to become convinced of the necessity of using force to preserve the Union. Finally, he assumed exactly the same position taken by Lincoln on entering the presidency: he would hold and possess the public property belonging to the United States.

*Buchanan  
faces the  
music*

But to his critics it seemed that Buchanan got off to a bad start in his message to Congress, December 3, 1860, by blaming abolitionists for the trouble, then denying the right of the Federal Government to coerce a state although the state, he believed, had no right to secede. Right or wrong, it must be remembered that no state at the time had consummated secession and that a policy of conciliation was in keeping with the wishes of the people.

*Was his  
course wi.*

<sup>1</sup> Because of the death of his sweetheart before a lover's quarrel could be mended Buchanan never married. While President his niece Harriet Lane was hostess, and never was the White House more charmingly administered.

Moreover, it would have been poor policy to force the hand of Congress before it had a chance to try compromise.

"Oh, for one hour of Andrew Jackson," sighed many who demanded action. But in 1832 South Carolina stood alone; in 1860 the cotton states were in dead earnest, and the use of force certainly would have driven Virginia and other states into the arms of the Lower South—the very thing which wisdom dictated should not be done.

*The problem  
of Fort  
Sumter*

While Buchanan considered different schemes of compromise, including the proposal of a national convention, Fort Sumter in Charleston harbor became the focus of attention. Immediately after secession, South Carolina sent commissioners to Washington to negotiate an adjustment of relations between the two governments, and to provide for the transfer of federal property, including Forts Moultrie and Sumter. The situation was greatly complicated when (December 26) Major Robert J. Anderson (a Kentuckian), under instructions from the Secretary of War (John B. Floyd of Virginia), secretly moved his garrison from Moultrie to the much stronger Sumter. Immediately thereafter state troops seized Fort Moultrie, Castle Pinckney, and the United States arsenal. At the end of October General Scott had advised making six Southern forts so strong that they could not be taken, but the President refused to act lest secession be encouraged. Conciliation was still the dominant note in his national policy.

*The "Star of  
the West"*

Buchanan met South Carolina's commissioners but refused to comply with their demand that Sumter be evacuated. Partly as a result of cabinet changes Buchanan was stiffening. Jeremiah S. Black, one of the ablest lawyers in America, superseded Lewis Cass who resigned from the State Department in mid-December, and Edwin M. Stanton became Attorney-General.<sup>1</sup> Accepting their advice, Buchanan decided to send reinforcements to Sumter, and on January 5 the *Star of the West* with 200 men, together with supplies, sailed from New York. Four days later Charleston batteries fired on the ship, bearing the American flag, as it at-

<sup>1</sup> The usual explanation—that Cass "could not stand by and see premeditated dishonor done to the flag" at the time when Buchanan was considering the question of Charleston forts—will not hold water. Actually, Cass asked for the return of his letter of resignation on the day after it was sent in.

Howell Cobb resigned December 8, and was followed by Floyd two weeks later.

tempted to enter the harbor. Major Anderson did not reply, and the vessel turned back.

Manifestly an act of war had been committed. Who was the aggressor? South Carolina insisted that the attempted strengthening of Sumter was invasion by a foreign power; the North emphasized the fact that the American flag had been fired upon. But the North received the news without measurable excitement. Nothing shows more clearly that the people were not prepared for coercion even if Buchanan had favored it.

Meanwhile Congress settled down for its last great struggle to compromise a sectional dispute involving slavery. Buchanan recommended Constitutional guarantees respecting slavery in the territories as well as in the states where it existed; also the enforcement of the Fugitive Slave Law and the repeal of "personal liberty" laws in the North.<sup>1</sup> Senator John J. Crittenden, who had fallen heir to the mantle of Henry Clay, attempted to play the role of the "Pacificator" and was the recognized leader for compromise. To the Senate "Committee of Thirteen" he presented six unamendable amendments to the Constitution. The most important called for the reestablishment of 36° 30' for all territories then held or afterwards acquired.<sup>2</sup> Southern members of the Committee were willing to accept compromise, but Republican members turned it down after consulting Lincoln.<sup>3</sup>

*Congress  
tries to  
compromise*

The President-elect already had reached a decision on the question. Accept the compromise, he wrote, "and immediately filibustering and extended slavery recommences." He urged that

*Lincoln's  
decision*

<sup>1</sup> In January 1861 Rhode Island repealed her personal liberty laws. New Jersey did likewise, and Massachusetts and Vermont soon slightly modified theirs. But these meager concessions hardly showed the spirit of compromise which was as necessary as a bargain.

<sup>2</sup> The substance of the other proposed amendments was:

(a) No interference by Congress with slavery in the states or the District of Columbia, (b) no interference with the domestic slave trade, and (c) compensation by the United States for fugitive slaves escaping by use of force.

In addition, Crittenden proposed resolutions calling for the repeal of the "personal liberty" laws, execution of the Fugitive Slave Law, and the more effective suppression of the African slave trade.

<sup>3</sup> Thurlow Weed, as Seward's representative, made a trip to Springfield. How much influence party politics had on the decision has been a matter of interesting speculation. If the Southern states withdrew, the Republicans would dominate Congress. Several powerful Republicans—Sumner, Ben Wade, Z. Chandler, Joshua Giddings, and Lyman Trumbull—were demanding war.



no compromise with slavery extension be made. "On that point hold firm as with a chain of steel." Lincoln was speaking as the mouthpiece for the Republican party, but the immediate responsibility for the failure of compromise rests squarely upon him. Since 1854 he had spoken repeatedly in debate and otherwise to make his position clear; moreover the Lincoln-Douglas-Bell vote, all of which may be considered unionist, was four to one over Breckinridge. Lincoln therefore believed that the people were opposed to further concessions respecting the extension of slavery. Under the circumstances he was justified in thinking so; but it is a far different thing to assume that the people accordingly were opposed to compromise as a means of saving the Union. Actually several Republican leaders in Congress favored compromise until Lincoln spoke. A pertinent and obvious question arises: in a democracy, under the party system, must a victorious party make concessions to a defeated one on pain of secession? If so, majority rule is a farce. True, in 1860 the issue was sectional rather than partisan, but in this instance the two synchronized because the Republican party was purely sectional. This is not to say that the majority is necessarily in the right. Unfortunately, no method has been devised whereby it may be compelled to respect minority interests.

*The Peace  
Convention*

Other schemes of compromise followed—all were futile. Crittenden's proposal for a popular referendum on his compromise was killed by the Republicans. Virginia called a Peace Convention which met at Washington, February 4. Twenty-one states sent delegates, among whom were several prominent men, and Ex-President Tyler presided. But the prospects of success were seriously impaired by the absence of the seven seceding states and six others—five of them Northern. Radical Southerners and cynical Republicans offset the sincere efforts of border delegates; however, a resolution designed to meet Republican objections to the Crittenden compromise was finally adopted: no territory should be acquired except by a majority of the senators from each section. Whatever merit the proposal may have had, it was too late. Radicals North and South rejoiced. Senator Zachariah Chandler scored people who feared a fight. "Without a little blood-letting," he wrote, "this Union will not, in my estimation, be worth a rush."

He was careful to keep out of the army when the time of "blood-letting" came.

Five days after the Peace Conference Plan was submitted to Congress Lincoln was inaugurated. The day for compromise had long since passed. The "rights" which the South demanded represented concessions which the Northern conscience could not yield.

Meanwhile the Lower South went ahead with the business of organizing a new Confederacy. The provisional constitution (adopted February 8) gave way to a permanent constitution (March 11) which was ratified by all eleven seceded states and went into effect on February 18, 1862. With a few exceptions both constitutions were patterned closely after that of the United States. The President's term was set at six years, cabinet members might sit in the Congress, and protective tariffs were forbidden. The African slave trade likewise was forbidden, but additional safeguards were established for slavery within the states and in any territory that might be acquired. The judiciary article was almost identical with that of the Federal Constitution, but a supreme court was never created.

*The  
Confederate  
Constitution*

Jefferson Davis, the first and only President of the Confederacy, was not by birth a member of the Southern aristocracy. He was the tenth child of Kentucky pioneers who removed to Mississippi when he was a small boy. After attending Transylvania University he entered West Point. There his record was not outstanding in any way, but he carried away at graduation a high sense of duty and honor. After a few years in the army he resigned, married a daughter of Zachary Taylor, and retired to plantation life on the Mississippi River.<sup>1</sup> Slavery at "Brierfield" represented the paternalistic system at its best. With the coming of the Mexican War, Davis reentered the army, serving with such distinction as to win wide commendation, even from the Duke of Wellington. Thereafter he entertained an exaggerated notion of his military genius. He did not seek the presidency of the confederation—in fact he preferred a military office—and was surprised when a messenger bore the news to "Brierfield."

*Jefferson  
Davis*

<sup>1</sup> Davis' bride died of malarial fever three months after their marriage. He narrowly escaped death from the same malady. Years afterward he married the beautiful and talented Varina Howell.



JEFFERSON DAVIS

*From a print in the New York Public Library*

Davis' views on slavery were those of Washington and Jefferson. He was not a secessionist; but he was firmly convinced of the importance of maintaining the principles upon which the Union was founded (as he understood them), which meant that the North must not dominate the South. Davis, as President, has been charged with many mistakes: for example, he chose sub-

ordinates unwisely, interfered too much with military operations, and permitted arrogance and a domineering spirit to warp his judgment. Perhaps his greatest mistake was that he did not live in an earlier generation and that he led a cause which failed.

Davis was inaugurated February 18, 1861. One week earlier Lincoln bade farewell to Springfield. His speeches on the way to Washington did not heighten the low esteem in which he was held in the East and South, nor did his secret arrival in Washington on February 23 improve matters. The public kissing of a little girl in whose honor, according to Lincoln, a beard was being cultivated gave to critics further occasion to lampoon the "baboon" from the backwoods—"a felt hat on the back of his head, in ill-fitting clothes, striding like a crane in a bulrush swamp and mopping his face with a red handkerchief."

*Lincoln  
goes to  
Washington*

Washington on March 4 was a dreary, dust-blown city overrun with hordes of office-hungry Republicans, happy because of the vacancies created by seceding Southerners. Uneasiness pervaded the atmosphere. Rumors that Southerners might prevent the inauguration had led General Scott to take unusual military precautions. Appearing for the ceremonies at the Capitol with Lincoln were the aged and dignified Buchanan and Taney. The Chief Justice administered the oath of office under such extreme emotion as to make his words almost unintelligible. He symbolized the passing of a dominant Southern influence in national life, and with it the end of an era. The one auspicious incident of the day for the unhappy and depressed Lincoln was Douglas' gracious courtesy in taking the presidential hat to relieve an embarrassing situation. The act proclaimed Douglas' support. Lincoln needed influential friends.

*The  
inaugural*

To the anxious multitude, eagerly awaiting an announcement of policy, the inaugural seemed indecisive. For it was in a spirit of conciliation that Lincoln tried to disarm Southern fears:

I have no purpose, directly or indirectly, to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.

In *your* hands my dissatisfied fellow countrymen, and not in *mine*, is the momentous issue of civil war. The Government will not assail *you*. You can have no conflict without being yourselves the

aggressors. *You* have no oath registered in heaven to destroy the Government, while I shall have the most solemn one to "preserve, protect, and defend it."

. . . We are not enemies, but friends. . . . Though passion may have strained it must not break our bands of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of Union, when again touched, as surely they will be, by the better angels of our nature.

Followed then a month of indecision—the harassed Lincoln through sleepless nights pacing the cold floors of the White House in stocking feet, to the uneasiness of his high-strung wife. Compromise had failed. There would be no peaceable return of the seceded states; nor would there be war unless the Confederacy was provoked to it. The choice, therefore, lay with the North. And the new President was its spokesman.

*The cabinet*

Meanwhile Lincoln followed the same policy of inaction adopted by his predecessor. The cabinet, which included all the principal contenders for the presidency, was already at cross purposes, its leading members angling for advantage.<sup>1</sup> After a bit of hesitation Seward had accepted the first position, feeling that his "distracted country" demanded his services in the hour of her need. Salmon Chase at the Treasury Department did not underestimate his own importance, while Simon Cameron, "steeped in political iniquity," seized the golden opportunity to feather the nests of "deserving" army contractors. When resignation became necessary, he was succeeded by the intolerant and vituperative Edwin Stanton, at whose hands Lincoln had suffered humiliation and insult in earlier years. It required the tact and patience of a Lincoln to keep such a crew pulling together.

*Lincoln's  
greatest  
problems*

But for the time being Lincoln worried over two weightier problems: (a) how conciliate the Upper South, particularly Virginia, to prevent further secession, and (b) what action to take respecting Fort Sumter. In his inaugural Lincoln announced his purpose to "hold, occupy, and possess" the forts in the South. At that time only one fort of consequence (Fort Pickens at Pensa-

<sup>1</sup>Seward (State), Chase (Treasury), Simon Cameron (War), Edward Bates (Attorney-General), Gideon Welles (Navy), Caleb Smith (Interior), Montgomery Blair (Postmaster General).



WASHINGTON IN 1861

*From Harper's Weekly July 27, 1861*

cola) besides Sumter remained in federal possession.<sup>1</sup> Confederate commissioners arrived in Washington on March 5 to negotiate for their surrender. Considering himself the brains of the administration and big with coming events, Seward assured them that the forts would not be relieved in any way without due notice, and permitted them to understand that troops would speedily be withdrawn.

Immediately after the inauguration Lincoln was informed by General Scott that Sumter must be abandoned in about six weeks unless provisions were sent. In a peculiar sense Sumter then became the pivotal point in the relations between the two governments. If troops were withdrawn it would be hailed as an act of weakness and would alienate many of Lincoln's supporters. Conversely, any attempt to relieve the fort would be considered by the South as an act of aggression which might lead the Upper South from the Union. The cabinet offered divided counsel, and Scott was not encouraging. Lincoln waited. Maybe Virginia could be saved to the Union—Virginia with her strategic location and with her military sons, the ablest in the army. If Virginia seceded others were sure to follow.

*Seward to  
the rescue!*

Under such inactivity Seward became restive. He would put "simple Susan" (Lincoln) straight on matters of state! And so on All Fools' Day he turned over to Lincoln a paper entitled "Some Thoughts for the President's Consideration." In this remarkable document Seward recommended picking a fight with Spain and France as a means of reuniting the South and North against a common enemy. And Seward modestly volunteered to take charge of the government in directing such a war! Lincoln handled the situation with such tact and firmness that Seward not only soon came to his senses but remained in the cabinet to become a highly successful Secretary.

*Sumter to be  
relieved*

As early as April 4, against the advice of Scott and a majority of the cabinet, Lincoln decided to send provisions to Sumter under a strong armed convoy. Four days later the decision was made known to Governor Francis W. Pickens of South Carolina. According to the thinking of Davis' government, Lincoln's action was a breach of faith as well as a distinct threat. As late as April 7

<sup>1</sup>Two minor forts (Jefferson and Taylor) off the Florida coast were also in federal control.

Seward had allowed the Confederate commissioners to understand that the fort would be abandoned, and a personal agent of Lincoln, Ward Lamon, had (without authority) assured Pickens and Major Anderson that evacuation would soon be ordered. Considering Southern tension, together with Lincoln's knowledge that thousands of troops were ready and determined to prevent the provisioning or reinforcement of Sumter, the relief expedition was virtually a declaration of war. Strong evidence leads to the conclusion that Lincoln thus deliberately led the South to strike the first blow.

When the news of the coming expedition reached Montgomery, Davis immediately summoned a cabinet meeting. Most of the members agreed that if Anderson would not surrender, Sumter must be taken before the arrival of federal war vessels would make the action difficult. But Secretary of State Toombs vigorously pleaded for delay. He believed that the warlike expedition, dispatched without the consent of Congress, made Lincoln already the aggressor. He warned that

*Action of  
Davis'  
cabinet*

The firing upon that fort will inaugurate a civil war greater than any the world has yet seen. . . . At this time it is suicide, murder, and will lose us every friend at the North. You will wantonly strike a hornet's nest which extends from mountain to ocean, and legions now quiet will swarm out and sting us to death. It is unnecessary; it puts us in the wrong; it is fatal.

General G. T. Beauregard, commanding at Charleston, was finally given orders not to fire if Major Anderson would state the time at which he would evacuate. On the night of April 11-12 Beauregard sent four staff officers to Sumter. Anderson agreed to withdraw by noon of the fifteenth, by which time his provisions would be gone. The relief expedition, he believed, would surely arrive before then. Without relaying this offer to Beauregard, the staff officers served notice at 3:30 A.M., April 12, that firing would begin in one hour. Word already had come of the approaching federal expedition. But the naval vessels were unable to give assistance to Sumter, and on the afternoon of April 13 Anderson surrendered.<sup>1</sup> No lives were lost. On the next day,

*The firing on  
Fort Sumter*

<sup>1</sup> As a consequence of Seward's mischievous blundering, the powerful *Powhatan* had sailed off to Fort Pickens rather than to Sumter as Lincoln ordered. The fleet, thereby, was seriously weakened.



Sunday, the garrison marched out under flying colors. Excitement ran high in confident Charleston.

*War*

And so began a long and terrible war—a war produced by extremist minorities in both sections—a war which Lincoln always insisted was being fought to preserve the Union. Ironically, the South—fighting for independence—earnestly had striven for many years to preserve the Constitution on which that Union rested. Who was the aggressor? Was it the one first resorting to force, or the one first rendering force necessary? Which made force necessary? Each section gave (and still gives) its own interpretation, and acted accordingly.

*Decision of  
the border  
states*

Fort Sumter forced a decision upon the eight slave states still in the Union. These states had voted for the candidates of compromise in 1860 and had felt resentment when the Lower South forced the issue. They were not responsible for the war which the two extreme sections were inaugurating, yet it was their fate to be the theater of most of the fighting to come. Four of them—Virginia, Arkansas, Tennessee, and North Carolina—ultimately seceded.

*Virginia*

In Virginia a convention strongly unionist in sentiment was sitting when the news of Sumter arrived. Then (April 15) came Lincoln's call for state militia to meet Southern opposition. With cold fury the people moved ahead of governor and legal formalities. On the seventeenth Virginia was out of the Union.<sup>1</sup> Ties of blood and ways of living drew Virginians strongly to the Confederacy—even slaves looked more attractive than the rude laborers of the North—but it was Lincoln's call for militia that brought the decision. Virginians believed in the right of revolution, and they would have no part in coercing a state.<sup>2</sup> For be it remembered that Virginia was the mother of Washington, Jefferson, Patrick

<sup>1</sup> The western counties, largely because of dislike for the planter aristocracy, took steps which led to the creation of West Virginia in 1863.

<sup>2</sup> Governor Letcher wrote to Secretary of War Cameron: "Your object is to subjugate the Southern States, and a requisition made upon me for such an object . . . will not be complied with. You have chosen to inaugurate civil war, and having done so, we will meet it in a spirit as determined as the Administration has exhibited towards the South."

It is well to remember that Lincoln prosecuted the war on the theory that the national government was dealing with delinquent individuals rather than political entities in the form of states.

Henry, George Wythe, George Mason, Madison, John Taylor, and Robert E. Lee.

Like Virginia, Arkansas seceded (May 6) because of Lincoln's policy. Tennessee, inseparably bound to the Gulf by social and economic ties, concluded a military league with the Confederacy (May 7), and a month later the people approved by a vote of more than two to one. Bordering on the first state to leave the Union, North Carolina was the last. There a strong unionist sentiment condemned secessionists and abolitionists alike and hoped for a policy of conciliation on the part of Lincoln. But his handling of the Sumter situation appeared to be a breach of administrative faith. The call for troops was merely the last straw. The convention vote on secession (May 20) was unanimous.<sup>1</sup>

*Arkansas,  
Tennessee,  
and North  
Carolina*

The strategic position of Maryland made her decision highly significant. Secession would mean the loss of the federal capital to the Union and with it almost certain defeat. The upper portion of the state was strongly unionist, while Baltimore through social and economic contacts was decidedly secessionist; but the prevailing spirit was that of compromise and the avoidance of hostilities. However, Maryland was unable to make her own decision. Strong-arm methods were hastened when a Massachusetts regiment, the first to respond to Lincoln's call, was mobbed as it passed through Baltimore (April 19), resulting in the first bloodshed of the war. Martial law was proclaimed, the writ of *habeas corpus* suspended, and a large number of the members of the state legislature and of the citizens of Baltimore were arrested. Instrumental in carrying out this program was the coarse, fat Benjamin F. Butler of Massachusetts. In 1860 he had fought to make Breckinridge President.

*Maryland*

Delaware elected to remain loyal to the Union. Cut off from the Confederacy, she had no choice. In Missouri a pronounced secessionist government called a state convention which unexpectedly proved unionist. Under the leadership of Francis P. Blair, jr., and prior to the firing at Fort Sumter, the convention voted against

*Delaware and  
Missouri*

<sup>1</sup> May 20 was the eighty-sixth anniversary, North Carolinians believed, of a declaration of independence against England adopted at Mecklenburg. The authenticity of the action in 1775 has never been fully established.

secession. Soon thereafter dual governments were established, and the unhappy state suffered internecine warfare, with the horrors of guerrilla fighting indulged to the full.

*Kentucky*

In Kentucky the balance between North and South was close. The Bluegrass region was Southern in its sympathies, but east and south of it were regions of decided opposition to slavery. The state as a whole had long been strongly unionist. It was the home of Clay and Crittenden, and had voted for Bell. Even Breckinridge opposed secession. The call for troops by the two Presidents separated boys in every community: a portion to drill at one end of town under the Union flag; others at the other end under the colors of the Confederacy. Kentucky, therefore, formally decided to be a neutral! How long she might be able to maintain the impossible status depended in part upon the action of the two Presidents—both native of Kentucky. Fearing the seizure of river positions by the Federals, the Confederates seized Columbus. This violation of Kentucky's neutrality was instrumental in a decision for the Union, September 18, 1861. But a shadowy pro-Southern government endured to the end of the war, and, like Missouri, the state was represented in the Confederate Congress. Conversely, the United States Congress accepted members from Virginia and Tennessee.

*Divided  
allegiance*

Every border state supplied thousands of soldiers to both armies. Many families were divided when the final decision was made. One son of Senator Crittenden became a major-general in the Union army; another, a major-general in the Confederate. Kentuckians fought on both sides of Bull Run although their state was still officially neutral; two bodies of Marylanders—one in blue and the other in gray—contested the field at Gettysburg. The United States army and navy contained men from every seceded state, while the Confederate army had men from every Northern state. George H. Thomas, the "Rock of Chickamauga," and David Farragut, hero of the Union navy, were Southerners. Their attitude was no different from that of honest Loyalists of 1775. Two sons of Commander Porter of the United States Navy served under "Stonewall" Jackson.

Of all who followed the dictates of their conscience in taking a course roundly condemned at the time, Robert E. Lee will always

remain the classic example. In background, appearance, and character this son of "Light Horse Harry" Lee embodied the finest flowering of Old Virginia. He opposed both slavery and secession, and like many other army officers deplored the condition into which politicians had brought the country. But Colonel Lee could not bring himself to lift his sword against his native state. When Virginia seceded he resigned his commission although he had been offered (a week before the bombardment of Sumter) the command of the armies of the United States, to succeed another Virginian, the aged Winfield Scott. *Robert E. Lee*

What was the nature of the war just beginning? Was it a rebellion, a civil war, or a war between the states? In the North it was long considered the "War of the Rebellion," made necessary by "rebels" against the Union. The term is as inaccurate as it is unjust. The South insists on calling it the "War between the States," while the North sticks to the "Civil War." In a portion of the border states division was of such a nature as to make the former term inaccurate. On the other hand, "Civil War" denotes a conflict between two factions under one government. Acceptance of the term, therefore, is to deny that the Southern states were out of the Union. Actually, it was a great struggle between two sections or two different forms of society. After three-quarters of a century the name is of minor importance. *The nature of war, 1861-1865*

## Chapter Forty-Three

### FROM FORT SUMTER TO ANTIETAM APRIL 1861—SEPTEMBER 1862

**A**FTER three-quarters of a century it appears strange that Southerners should have expected to prevail in war with the far more powerful United States, or, indeed, that they should even have been able to maintain effective resistance for four years in the face of overwhelming man power and material resources. The white population of the eleven states of the Confederacy was about 5,500,000; that of the twenty-three states of the Union, nearly 22,000,000. This great difference was offset in part by the 3,500,000 Southern Negroes who, although not used as soldiers, did much of the work necessary to keep soldiers in the field.

*Relative  
strength of  
contestants*

In finance and industry Northern advantages were still greater.<sup>1</sup> But in 1861 the differences were not so apparent as they later became; moreover, there were important factors—both material and intangible—which prove that Southerners were not so rash as they now appear. It is to be remembered that a majority on both sides expected the war to end after a few decisive victories, before the resources of either were really tested. It is to be remembered, also, that Europe believed the South would win.

Fighting on the defensive, the South enjoyed the great moral advantage of sublime faith in the justice of its cause. For what-

<sup>1</sup> Comparative economic strength of contestants:

	<i>Confederacy</i>	<i>Union</i>
Wealth	1	4½
Real and personal property (excluding slaves)	1	6
Capital stock in banks	1	2½
Railway mileage	1	2½
Manufacturing establishments	1	3½
Amount of manufacturing	1	10

ever influence slavery may have had in producing secession, it was only incidental to the war which followed. To the Southern mind it was a struggle for the rights which Americans had prized since they first resisted King and Parliament—a war for independence. Surely the war would be short! A few brilliant victories—by armies which would in no way test the resources of the South—and the North would abandon her unpopular war of aggression. *Souther confidence*

On the other hand, victory for the Union would necessarily mean complete conquest of an area larger than that of the North. At that time it was a military maxim that far more man power and resources were necessary to wage offensive than defensive warfare. Witness the failure of British redcoats to bag a handful of ragged Continentals! Fighting on its own soil, the South could move troops more easily over shorter lines of communication. In the outcome, however, superior Northern transportation, together with the breakdown of Southern railroads, more than offset this advantage. In fact, railroads proved a new element in fighting no less important to the North than mechanized units in Hitler's *blitzkrieg* of the second World War. Nor should the development of other mechanical agencies be overlooked. The reaper made possible an enormous increase in wheat production, at the same time releasing tens of thousands of farmers' sons for the army. The development of the sewing machine, even to the production of shoes, gave to the North an equally significant advantage. *The fact of transportation an invention*

In the matter of arms the disparity was not so great. A few Southern states had purchased a small quantity of improved rifles shortly before the war; some others had purchased ancient weapons discarded by the United States army. But most of the Southern supply was seized in the arsenals at the time of secession, and consisted largely of obsolete flintlock muskets.<sup>1</sup> Throughout the war the South suffered from inadequate arms of all kinds. Only in powder was she ever as well supplied as the North. *Arms*

Southern military leadership, at least in the early months of the

<sup>1</sup> The old charge, that Buchanan's Secretary of War, John B. Floyd, deliberately sent large supplies of arms into Southern arsenals so they might be used against the Union, has been discredited. But he was loose in his methods, and exercised poor judgment.



war, was decidedly superior; Southern soldiers, used to outdoor *Soldiers* living, better fighters. But Northern men quickly learned the art of war; moreover, the relatively small white population on which the Confederacy could draw meant a rapid decline in the average quality of Confederate soldiers, although the world has never known better warriors than many of the tattered veterans who were not ready to quit when Lee surrendered at Appomattox.<sup>1</sup> But if Southerners fought under a *new* flag for a cause, the defeat of which would mean humiliation and the loss of nearly everything which men of honor and spirit hold dearest, Northerners (and over 150,000 Southerners, too) fought under an *old* flag which stood for an *old* Union—the Union of Washington, Jackson, Clay, and Webster. Material resources alone were not enough to win the war.

In civil administration the Union enjoyed several distinct advantages over the Confederacy. At the beginning of his presidency only a few of Lincoln's warmest admirers considered him the equal of Davis. But Lincoln made far greater growth in office, *Civil ad-  
ministration* and he possessed one quality which was lacking in his sincere, honest, and patiently courageous rival—he could efface himself in the interest of attaining his goal, and keep his subordinates working for the common cause. When shameful frauds necessitated the removal of Secretary of War Cameron in January 1862, the able Edwin M. Stanton, who had called Lincoln an ape and a baboon, was given his place. Stanton was not an outstanding war secretary, but Lincoln believed that he could not dispense with his services.

Lincoln's cabinet as a whole was not outstanding—its members quarreled, and sometimes were at loggerheads with the President—but it was more able than that of Davis which was made up for the most part of men who did not represent the Southern tradition for statesmanship. Toombs was an exception, but he quarreled and soon resigned. Had Southern statesmanship been equal to its military leadership, the outcome might well have been far different. Lincoln at times faced strong opposition from his

<sup>1</sup> The loyal border slave states furnished a great many soldiers to the Confederacy, but the number was more than offset by the 153,000 Union recruits from the seceded states.



Congress, but on the whole his relations with that body were more agreeable than were those of Davis.<sup>1</sup>

*The factor of  
centralized  
control*

Of inestimable advantage to the Union was the centralized government and the stronger spirit of nationalism without which successful coordinated action would have been impossible. By contrast, the very principle (states rights) upon which the South had based its action in seceding from the Union helped produce its downfall. Davis and others who thought in terms of Southern nationalism found strong opposition to the abandonment of states rights, even in time of a war waged in defense of those rights. Davis' most formidable opponents were the governors of Georgia and North Carolina, Joseph E. Brown and Zebulon Vance, who fought the President's efforts toward centralization at every turn. Throughout the war North Carolina refused to contribute from her bountiful supply of clothing, shoes, and other equipment to the general service. At the time of Lee's surrender, Governor Vance boasted of more uniforms and other supplies than would have been necessary to fit out Lee's entire ragged army. Brown and Vance were not the only governors who hampered the Confederate government in its efforts to raise, equip, and keep effective armies in the field.

*Lack of  
preparedness*

To present-day advocates of military preparedness, the lack of it in 1861 appears well-nigh incredible.<sup>2</sup> When Fort Sumter fell, the entire strength of the United States army was less than 14,000 men, most of whom were widely scattered on the Indian frontier. A serious blow to the effectiveness of the army was the resignation of Southern officers during the preceding months. Others soon followed. Among them were 182 officers of the rank of brigadier-general or higher, including the ablest men in the army—Lee, Beauregard, A. P. Hill, Albert Sidney Johnston, Joseph E. Johnston, and J. E. B. Stuart.<sup>3</sup>

<sup>1</sup> During his four years in office Davis vetoed thirty-eight bills, thirty-seven of which were passed over his veto. Lincoln vetoed but three during the same period.

<sup>2</sup> In those days Americans had little sympathy for the maxim, "In time of peace prepare for war." Moreover, it is to be remembered that defense from a foreign enemy is one thing; coercion of states quite another. Considering Southern influence in the national government prior to 1860, it is inconceivable that preparedness could have been of the sort to give the Union a great advantage.

<sup>3</sup> Thomas Jonathan (Stonewall) Jackson, D. H. Hill, and W. T. Sherman were teaching in Southern military academies. Grant and McClellan were not in the army when the war began.

General Winfield Scott believed that an army of 300,000 men and three years' time might be necessary to subdue the South. But Lincoln (April 15) called for 75,000 militia to serve for three months! He soon followed (May 3) with a call for three-year enlistments of 42,000 volunteers and 22,700 regulars.<sup>1</sup> During the first year of the war, volunteers offered their services in embarrassingly large numbers; thereafter, special inducements—even conscription—were necessary to bring them out.

*Creating a  
Union army*

A nucleus for the new army already existed in all Northern states, where volunteer militia companies met occasionally for competitive drilling in gaudy uniforms; or, wearing anything that might appear decorative, engaged in bibulous sham battles with imaginary redskins, and followed up with a murderous assault on barbecued ox. However, most volunteers, at least during the early part of the war, were organized informally by patriotic citizens seeking service or glory. The result was a great addition to the long list of units with fanciful names—such as the Chicago Zouaves, the Excelsior Brigade, the Grundy Tigers, and the St. Patrick Brigade—and a bumper crop of officer politicians. There were no less than 2537 generals in the Union army during the course of the war, not to mention the plethora of lesser officers. Southern preparations proceeded apace. By the end of April Davis had called for 82,000 men. Soon others were summoned.

From the beginning of the war the purpose of Union forces, which took the offensive, was to crush resistance to federal authority by field operations and an ocean blockade; but not until 1864, when Grant became commander-in-chief, was an integrated plan of general strategy put into effect. The South, for its part, simply strove to beat off the enemy until it should tire of fighting. Actually land warfare was waged on two main fronts, divided by

*General  
strategy  
of war*

<sup>1</sup> The regular army, numbering something over 20,000, was used throughout the war for Indian fighting. When Congress met in July, it legalized Lincoln's action. (The Constitution gives to Congress, rather than the President, the right to raise armies.) Congress later provided for the creation of a volunteer army of 500,000. The war was fought by volunteers.

The total number of soldiers in the Union army (computed on the basis of three-year enlistments) would be approximately 1,550,000. Estimates for Confederate enlistments on the same basis vary widely. About 850,000 would probably be a fair guess.

The greatest effective strength of the Union Army was reached on May 1, 1865, with nearly 800,000 men. The greatest for the Confederates was on January 1, 1863, with slightly over 250,000 men. Only 174,223 surrendered in April and May, 1865.

the Appalachians. In the East the general plan called for the reduction of Richmond, the capital and chief industrial city of the Confederacy, after which resistance should be rolled up to the southern end of the mountains where armies East and West would join to finish the task. The main objective in the West was the opening of the Mississippi (thereby cutting the Confederacy in two) and the breaking of Southern lines of communication eastward. In the summer of 1863 Western forces virtually finished their portion of the general bifurcated campaign, but Richmond did not fall until 1865—after Sherman's army had swung around the southern end of the mountains, cutting off supplies from Lee's army in Virginia. When Lee could no longer defend Richmond the war was all but ended.

*Popular  
demand for  
action*

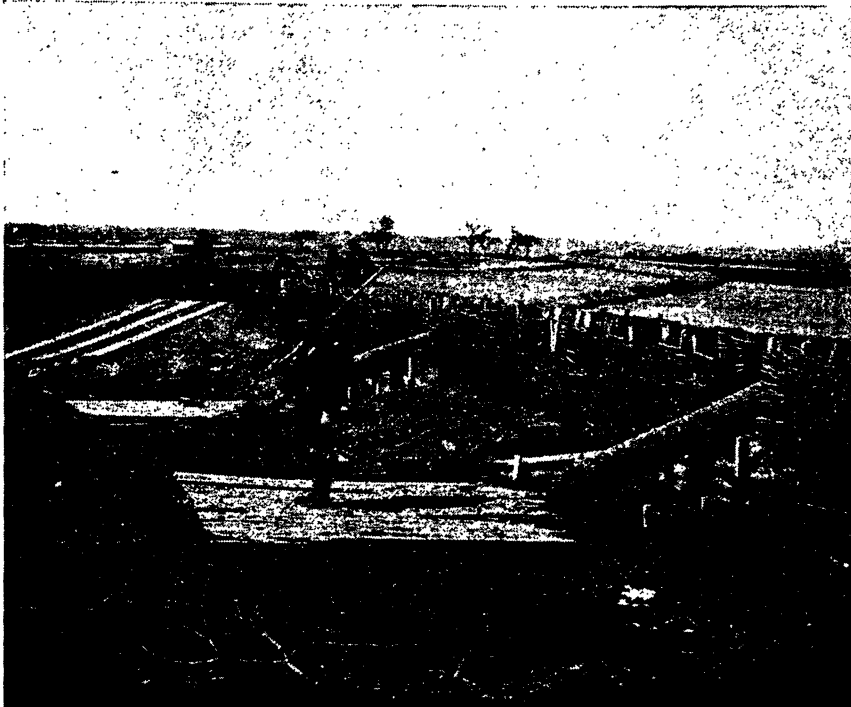
As volunteers poured into Washington in response to Lincoln's call, newspapers voiced the popular clamor for a fight. When Congress convened in special session (July 4) the demand for action became irresistible. The three-month period for which the first volunteers had been called—for a three-month war—would soon be up. "On to Richmond" was the cry. Seize the capital city and hang Jefferson Davis, and the war would be over! So, against the advice of Scott, Lincoln ordered General Irvin McDowell to advance.

*"On to  
Richmond"*

In mid-July, McDowell's troops (about 30,000) left off cutting the magnificent trees of Arlington (Lee's estate, and McDowell's headquarters) and started southwest toward Manassas where Beauregard—superintendent of West Point when McDowell was a student there—was stationed with about 24,000 men and thirty-five cannons. McDowell was relying on General Patterson (12,000 men) to "retain" General Joseph E. Johnston (9000) in the Shenandoah Valley. McDowell's troops consumed five days advancing about thirty miles to Bull Run Creek, near Manassas, along which the Confederate forces were strung out about eight miles. The weather was hot, the dust deep. Soldiers wandered off seeking water and wild berries; and there were "traitor's" houses to be burned and their property seized. Finally, when fighting was in order, movement was greatly hampered by camp-followers, sightseers, and Congressmen, who rode out from Washington for the fun. Senators Ben Wade and Zach Chandler had

swords and horse-pistols ready for use against erstwhile opponents in Congress.

McDowell opened the attack, and until midafternoon that hot Sunday, July 21, the Federals seemed to have the advantage. But



CONFEDERATE GUN EMPLACEMENT AFTER BULL RUN

*From the Meserve Collection. Courtesy of Mr. F. H. Meserve*

Johnston, who had given Patterson the slip, arrived with fresh troops, and Thomas J. Jackson stood his ground. Thereafter he was "Stonewall" Jackson. Retreat of the Federals turned to a rout, worse confounded by spectators caught in the disorganized mob that stopped only for rest until it returned to Washington. The panic-stricken city pictured Beauregard hot on the heels of flying volunteers. But the capital was spared. Heavy rains broke the long drouth and turned the intervening country into impassable mud. Anyway, the Confederate forces were probably too badly disorganized to follow, even had the order been given.

*Bull Run,  
July 1861*

This first major battle of the conflict had a sobering effect in the North. Talk of a short war vanished. Congress authorized the calling of half a million men for three years' service, and people settled down with grim determination to see the struggle through. Southerners, on the other hand, further convinced of their superiority, indulged in vain boastings about the ease with which the Yankees would be hustled back to their shops and factories. Jefferson Davis and General Johnston were among those who knew better.

*McClellan  
succeeds  
McDowell*

McDowell's failure made him the first sacrificial goat for the people. Lincoln yielded to the clamor, and the thirty-five-year-old George B. McClellan promptly acceded to his command. The new "Union hope" had won some minor successes in West Virginia, and men were already calling him the "Little Napoleon."<sup>1</sup> With great skill as an organizer the new commander went about his task of making soldiers of the raw volunteers who swarmed about Washington.

*"All quiet  
along the  
Potomac"*

Autumn came. The Army of the Potomac had grown to 100,000 men, but McClellan did not move. Once more the cry was raised for an advance on Richmond. But "Little Mac," imagining a Confederate army of 150,000 confronting him, would take no chances. Actually General Johnston had fewer than 50,000 poorly equipped men. Lincoln bore McClellan's condescension without a murmur, raised him to the rank of General-in-chief of the United States army when Scott retired on the first of November, and silently suffered insults from the impatient populace. McClellan turned untrained volunteers into a superb army, paraded—and settled down for the winter. The oft-repeated headlines, "All quiet along the Potomac," became a joke—a grim one for those who had thought to defeat the South in three months.

*The blockade* Meanwhile effective action was being taken on other fronts. Because of the South's dependence upon the outside world for a great share of her needs, including munitions of war, obvious Northern strategy called for the blockade of Southern ports. On April 19, five days after the fall of Fort Sumter, Lincoln proclaimed

<sup>1</sup> McClellan had defeated inferior forces sent there to prevent the creation of a separate state. After he succeeded to McDowell's command, his place was taken by William Rosecrans who drove Lee's forces back over the mountains. It was an unfortunate beginning for the great Virginian, fighting under heavy odds.

such a blockade.<sup>1</sup> On the following day the Norfolk Navy Yard was seized by Virginia.<sup>2</sup> The spoils included eleven ships and much ordinance, together with the hull of the steamship *Merri-mack*. The jolt roused the Navy Department. How blockade 3500 miles of coastline with a navy of only ninety ships, over half of which were old sailing vessels out of commission when the war began.<sup>3</sup>

The upright and suspicious Secretary of the Navy, Gideon Welles, had no technical knowledge of naval affairs, but with the help of his able assistant, Gustavus V. Fox, he was just the man to create a fleet. Ships were repaired, merchant ships were purchased or chartered and new ones constructed. In December 1864 the navy numbered 671 vessels. Almost any type of craft that possessed a few guns could do blockade patrolling. Wooden hulls, with sails to augment steam, were common. But the success of the French and English in building ironclad steamers during the 'fifties proved a spur to Union activity. Armored steamers of various kinds played an important role in the war by attacking fortified Southern ports and by cooperating with armies, especially in the West.<sup>4</sup> The blockade by which economic strangulation of the South was attempted during the first few months of the war was of the "paper" variety, but before the end of the first year its results were being felt in advancing prices of some commodities. In another year the blockade was doing its deadly work with sufficient effectiveness to constitute a major factor in the ultimate defeat of the South, although its ports were not completely closed at any time during the war.

*Welles and  
the navy*

Naval operations resulted in notable successes at Port Royal, South Carolina (November 1861), New Orleans (April 1862), Mobile (August 1864), and Wilmington (January 1865). Charles-

<sup>1</sup> After the secession of Virginia and North Carolina the blockade was extended to include the ports of those states.

<sup>2</sup> The abandonment of Union ships, which fell into Southern control, was a matter of some importance; likewise, the number of naval officers (variously estimated at 259 to more than a thousand). About 350 Southerners remained with the Union navy.

<sup>3</sup> There were only twenty-nine steamers in the navy. On March 4, 1861, only forty-two vessels were in commission, most of them at foreign stations, and with no cables to call them home.

<sup>4</sup> Despite the effective service of the Union navy, expenditures on its account were only 9.3 per cent of the total cost of the conflict.

ton was attacked on April 7, 1863, by the most formidable naval force the world had ever known (nine new ironclads), but to the end of the war withstood all efforts from the sea.

*The Virginia and the Monitor* Confederate efforts to offset the strangling effect of the blockade by manufacturing, or by "running" it, were not enough; but not until 1862 was the South in a position to challenge its growing effectiveness. Working under extreme handicaps, some ironclads were constructed. The most famous of these was the *Virginia*, made from the partially burned U. S. S. *Merrimack*. Its armor plate, produced from railroad rails, was rolled in the Tredegar works at Richmond. On March 8, 1862, at Hampton Roads the clumsy giant, propelled by rusty engines and ailing boilers, startled the world by casually engaging the Union fleet. With a combined attack of guns and iron ram it sank two of the largest vessels and damaged three others. Visions of a broken blockade and the leveling of New York and Philadelphia brought joy to optimistic Southerners, while at Washington the trembling Stanton imagined the monster advancing up the Potomac.

The threat to the blockade was short lived. Already finished were some ironclads for which Welles had contracted early in the war. One of these, the *Monitor*, with a revolutionary device in the form of a revolving turret, arrived at night and met the *Virginia* when it returned for a second day's work of destruction. The ensuing battle—the first in history between ironclads—ended in a draw. Afterwards the *Virginia* twice offered battle, but the *Monitor* would not accept the challenge. In April the *Virginia* was sunk lest it fall into Union possession. So ended the most formidable Southern attempt to break the blockade. Control of the ocean gave the Union an inestimable advantage.

*War in the West* While McClellan drilled his men along the Potomac instead of moving toward Richmond, the West saw stiff fighting. In Missouri, after preliminary skirmishing, General Frémont was established with headquarters at St. Louis. Bungling and fierce, he was liked by his soldiers but hated by the enemies he made among the state's Unionists. At least he was willing to take the field. But when he decreed death before a firing squad for Missourians found guilty of bearing arms against the Union, and even declared slaves to be free, Lincoln reached the end of his endurance. In November

*Frémont and Halleck*

1861 General Henry W. Halleck, an office-desk type of West Pointer who had become a lawyer, was given his place. As ranking officer in the West, Halleck was responsible for the operations of Grant, Pope, and others, but contributed little to their successes.

The importance of the great rivers of the West was so obvious that a campaign to control strategic positions thereon was launched at an early date and pushed with great energy by Union forces. The natural route of Union advance into the South was by way of the Mississippi and the great Cumberland and Tennessee rivers, tributaries of the Ohio. The success of Union forces might well depend upon the capture of posts like Columbus on the Mississippi, and Forts Henry and Donelson on the closely paralleling Tennessee and Cumberland. Indeed, General Albert Sidney Johnston, commander of all Confederate forces in the West, attached so much importance to these strategic posts that he sought to defend Nashville at Fort Donelson. *Importance of rivers*

The Union hero of the "river war" was U. S. Grant. Hiram Ulysses was the sensitive son of an eccentric Ohio tanner who managed to get a West Point appointment for his unmilitary offspring.<sup>1</sup> At West Point "Little Beauty" distinguished himself in nothing except horsemanship, and stood near the bottom of an unusually weak class. After the Mexican War he started a downward career. Loathing the dreary monotony of army routine in the Far West, where he was stationed, he sought solace in drink, finally resigning to escape a court martial on the charge of drunkenness. A variety of failures aggravated the poverty that dogged his steps thereafter. On Christmas Eve, 1857, he pawned his watch lest disappointment be the portion of his children. When the Civil War began he was holding a clerkship at \$50 a month in the family leather store at Galena, Illinois. *U. S. Grant*

The fall of Fort Sumter stirred such fighting blood as was left in him and brought new confidence. After his requests for an army appointment were snubbed at Springfield and Washington, he took over an Illinois regiment that nobody wanted and soon

<sup>1</sup> The congressman who presented Grant's name to the War Department made a mistake in his name; so "Ulysses Simpson" it became. Grant found the initials "U. S. G." preferable to "H. U. G."



showed such high qualities of leadership that before September 1861 he was a brigadier-general, stationed at Cairo at the southern end of Illinois.

*Fort Henry  
captured*

In order to open up a way into Tennessee, Mississippi, and Alabama, Grant conceived the idea of making an advance along the parallel Tennessee and Cumberland rivers to Forts Henry and Donelson. The cautious Halleck reluctantly gave his consent (January 11, 1862) and provided the necessary gunboats and transports for 17,000 troops. On February 6, after a short battle between Fort Henry and Commodore Foote's gunboats, and before Grant's troops could navigate the muddy roads, Fort Henry surrendered. Most of the garrison had previously retired, making its way to Fort Donelson less than fifteen miles away. There about half of Johnston's 30,000 men, under Pillow, Floyd, and Buckner, were awaiting the Union attack.

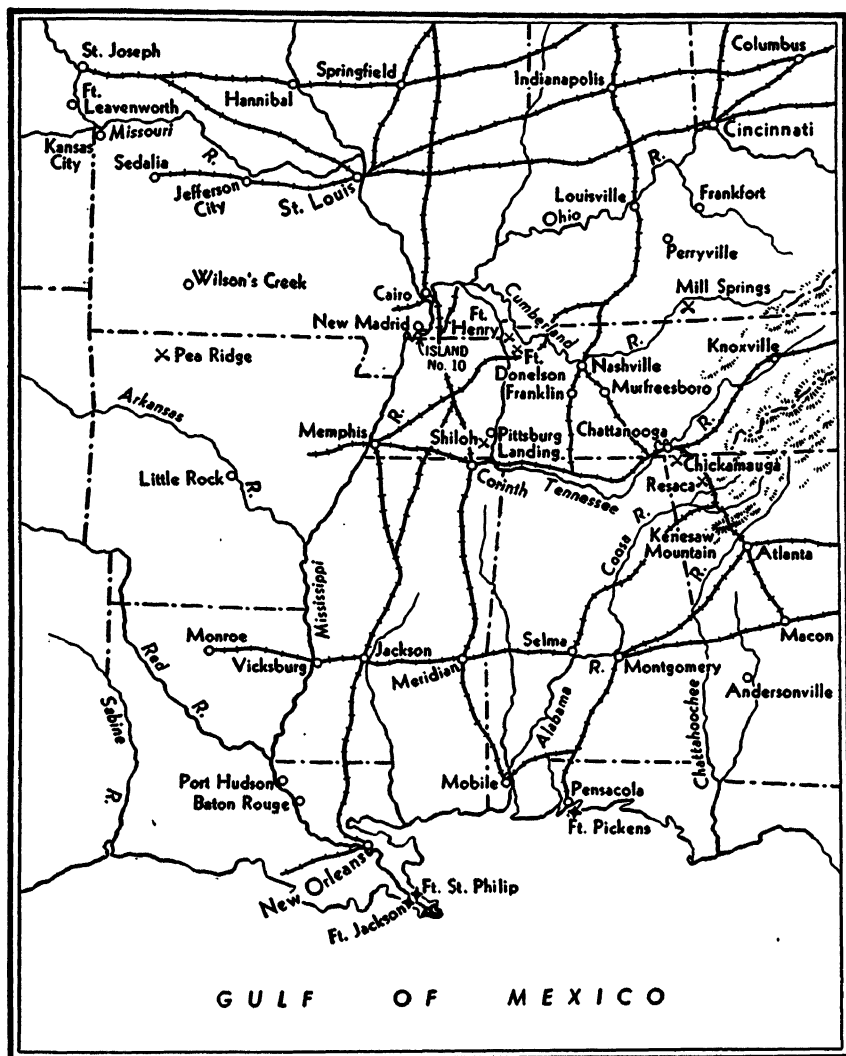
*Fort  
Donelson  
surrendered*

While the Union gunboats steamed back to the Ohio and up the Cumberland, Grant fought rain and cold and made an unsuccessful assault on Donelson, February 13. The next day a gunboat bombardment likewise failed. Then the Confederates, having blunderingly permitted themselves to be bottled up after the manner of Cornwallis at Yorktown, tried to cut their way out. Turned back after blind and desperate woods fighting, Buckner requested terms. Grant replied that nothing but "unconditional and immediate surrender" could be accepted. The fort and about 12,000 men were surrendered on the fifteenth.

The results were far-reaching. Grant became the first real Union hero of the war, with a new name "Unconditional Surrender" Grant, and was promoted to the rank of major-general. Northern morale was greatly stimulated, and many thought the end was near. Johnston found it necessary to abandon Nashville and retreat southward.

*Johnston  
retires to  
Corinth*

Grant wished to follow up his victory by a speedy advance, but the jealous Halleck delayed him until Johnston had time to assume a strong position at Corinth, Mississippi, just across the Tennessee line on the railroad connecting Chattanooga, Memphis, and Mobile. With Beauregard, who had come from Virginia, and the fighting bishop, General Leonidas Polk, Johnston assembled about 40,000 men.



THE CIVIL WAR IN THE WEST

Grant with 45,000 men moved up the Tennessee to Pittsburg Landing, nearly twenty miles northeast of Corinth. There he waited for General Don Carlos Buell with his seasoned army from the Ohio, and there the Confederates caught him napping on Sunday, April 6. Grant's position was poorly chosen, and

*Shiloh,  
April 1862*

no entrenchments had been provided. The main point of attack was at Shiloh Meeting House, about three miles west of Pittsburg Landing, where Sherman commanded with the rawest of the Union troops. Grant was at breakfast seven miles away when the firing began. In the confusion which followed, the Union army was in imminent danger of being driven into the swollen Tennessee when Johnston leading a charge fell mortally wounded. His death was a terrible blow to the Confederates but, at the end of the day's fighting, Beauregard who succeeded Johnston could telegraph to Richmond that the battle was won. Hungry, exhausted men passed the night in a torrential down-pour. By morning Buell's 20,000 fresh troops were in the field. After the second day of fighting Beauregard withdrew to Corinth. The weary Union army did not follow.

*Corinth  
evacuated*

In this greatest Western battle of the entire war, Union losses were 13,000 dead out of 63,000 engaged. The Confederates lost 11,000 out of 40,000. Because the Confederates withdrew successfully to their base the battle was regarded in both North and South as a Confederate victory. Grant seems to have had little to do with the battle except show himself, and an outcry was raised for his removal. But Lincoln, glad for a general who would fight, refused. Whereupon the jealous Halleck took personal command and effectively slowed down army operations along the Mississippi. "Old Brains" Halleck, as the army called him, could write impressive discourses on military science, but in execution he admirably illustrated the difference between theory and practice. With about 120,000 men he crawled slowly forward, entrenching at every step. Beauregard, unwilling to risk a battle with less than half as many men, retreated, and Union forces occupied Corinth on May 30. Thus the South lost a second important line of defense. Little decisive fighting was done by the army in the West during the remainder of 1862.<sup>1</sup>

<sup>1</sup> Buell and Bragg engaged in a race for Louisville. Buell won; then, on October 8, fought an indecisive battle with Bragg at Perryville. Bragg retreated from Kentucky, and Buell followed so slowly that he was soon superseded by Rosecrans as commander of the Army of the Ohio (soon to be called the Army of the Cumberland). On December 31 and January 1, at Murfreesboro, Rosecrans (41,000) fought a bloody but indecisive battle with Bragg (34,000). Bragg then retired from middle Tennessee.

Meanwhile the campaign to open the Mississippi was being pushed for the double purpose of restoring to the North Central states the freedom of its navigation and of dealing a body blow to the Confederacy by cutting it in two. On April 28, 1862, David Farragut took possession of New Orleans after ten days of strenuous activities downstream. This greatest city of the South had placed its chief reliance upon a flotilla of armed steamers and gunboats, and upon Forts Jackson and St. Philip, about seventy-five miles downstream. After Farragut had run the forts and destroyed the fleet, the Confederate army of 3000 withdrew from the city. By May 2 the notorious General Benjamin Butler with 18,000 men took charge. He needed them all, for, to state it mildly, his reign of martial law was not popular.<sup>1</sup>

*Opening the  
Mississippi*

*New Orleans,  
April 1862*

By July 1, 1862, Farragut had received the surrender of Baton Rouge and Natchez, and had run the forts at Vicksburg to join the gunboats which had cleared the river southward to that point. But the great campaign terminating with the fall of Vicksburg in July 1863 did not begin until late in the year.

In the East the winter of 1861-1862 was a season of discontent and mounting gloom, relieved only by the exploits of Grant in Tennessee. McClellan appeared rooted to the Potomac; Lincoln was being called an imbecile; corruption in the War Department led to Cameron's resignation; a Congressional committee investigated the conduct of the war, and omniscient senators told McClellan how to lead an army. But McClellan refused to budge even after Lincoln, in a special command ("War Order No. 1"), set Washington's birthday for a general forward movement.

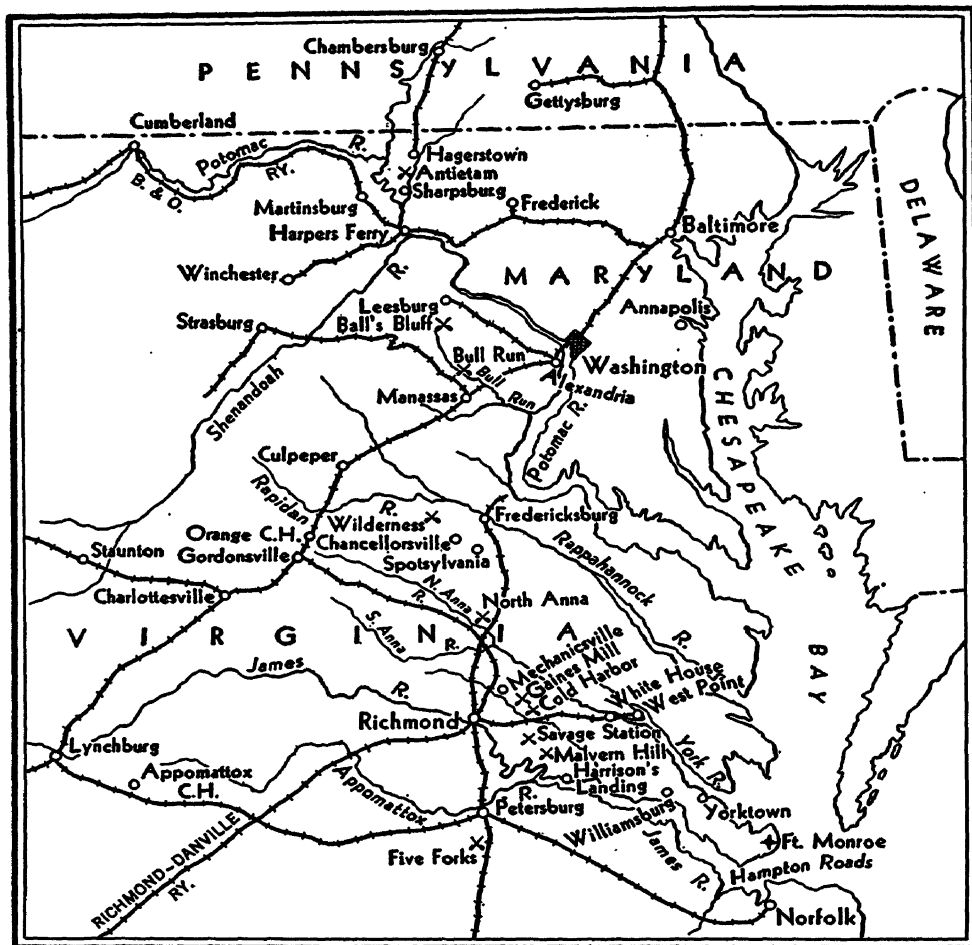
*Gloom in the  
East*

McClellan's sense of superiority, his condescension toward the President, his lengthy reports for posterity, and his undue caution in the face of an army one-third as large as his own served to give him an unenviable reputation. Like Grant, Lincoln, and Northerners generally, he believed the war could be terminated

*McClellan's  
caution*

<sup>1</sup> In due time "Beast Butler" won enduring infamy in the South by executing a man for tearing down the Union flag and by issuing an order that any woman insulting a Union soldier would "be regarded and held liable to be treated as a woman of the town plying her avocation."

President Davis proclaimed Butler an outlaw (December 23, 1862), and Palmerston reflected English feeling in a strong letter (June 11, 1862) to the American minister, C. F. Adams.



THE CIVIL WAR IN THE EAST

quickly. But merely winning a victory would not be enough — he wanted an army of 250,000 and a powerful supporting fleet so he could crush Southern opposition in one spectacular flourish. Events proved that the Southern spirit was not to be broken that way. But, perhaps unconsciously, McClellan was following the wisest possible course of action—that of moving slowly so that the overwhelming resources of the North might be brought to bear only after careful preparation. Time was the great ally

of the Union. It was the South that needed an early victory.

Lincoln's plan of campaign called for an attack on Johnston's forces near Manassas, followed by an overland advance on Richmond. McClellan finally marched a portion of his troops to Manassas (after Johnston withdrew his army to Fredericksburg), then promptly back to Washington. He had had enough of Virginia mud.<sup>1</sup> Lincoln's patience was well-nigh spent. A Union advance must be made; so McClellan decided upon a movement by way of the historic peninsula between the York and James rivers. About the middle of March he began the transfer of his army by water—10,000 at a time, that being all the transports would carry—and by May 1 he had 112,000 men on the Peninsula, with a base at Fortress Monroe. The plan was a good one. It permitted cooperation from the navy, with protection for the flanks of the army either on the York or the James.<sup>2</sup>

*Peninsular  
campaign*

But McClellan had been seriously weakened. In the first place, Stanton, who distrusted him, was given supreme control of military operations. McClellan was left with only the Army of the Potomac under his command. Then McDowell's corps of 40,000 men was withheld for the defense of Washington. In the campaign that followed there was frequent interference by Stanton and Lincoln, both of whom had only a layman's knowledge of military affairs.

*Interference  
from  
Washington*

If McClellan felt handicapped, the condition of the Confederates that spring was far worse. The news of Forts Henry and Donelson was disheartening; Confederate commissioners were not received by a single government in Europe; shipments of arms from Europe were being delayed by the blockade, and the supply of powder was nearly exhausted. As late as March 1862—when Union forces available for the Virginia campaign numbered 185,000 effectives, completely equipped to the "last tent peg"—Johnston had only 37,000 plus Jackson's 5000 in the Shen-

*Weakness of  
Confederates*

<sup>1</sup> Johnston's men floundered desperately moving their poor guns, sometimes through the fields when roads were impassable. Men sometimes sank to their knees, and horses and mules actually drowned in mud holes.

<sup>2</sup> Until the Confederates blew up the *Virginia* after abandoning Norfolk (May 10)—because the heavy vessel could not pass up the James—Union gunboats could not advance up that river.

andoah, and an additional 25,000 on the two sides of the lower James.<sup>1</sup>

*McClellan's  
slow advance*

Stretching across the Peninsula at Yorktown, prepared to resist the Union advance, was "Prince John" Magruder with only 12,000 poorly equipped men.<sup>2</sup> But cleverness on his part, combined with McClellan's caution, delayed Union progress for a month. McClellan constructed elaborate entrenchments for an extended siege, then Yorktown was quietly abandoned. "Little Mac" entered in triumph. The first objective in his plan of ending the war in a summer was achieved! Still he advanced slowly, allowing the Confederates additional precious time.<sup>3</sup>

By the middle of May, McClellan had established his base and headquarters at White House on the Pamunkey, about twenty miles from Richmond. Soon his army (well over 100,000 men) straddled the Chickahominy, so near Richmond that soldiers in the advance guard could set their watches by the sound of its clocks. If McDowell's army of 40,000 should join McClellan, as the latter wished, it would give the Federals overpowering superiority. Richmond made preparations for hasty evacuation. But Lincoln and Stanton believed so intently that the best protection for Washington was to keep McDowell between the two capitals that they played into the hand of Robert E. Lee.

*Lee plans a  
diversion*

Since the middle of March 1862 Lee had been attempting to direct Confederate operations as military adviser to President Davis. With an attack on Richmond imminent, he decided to create a diversion in the Shenandoah Valley in order to prevent McDowell from joining McClellan. Lee was soon to find that Lincoln would make almost any military sacrifice rather than jeopardize the safety of Washington. Stonewall Jackson was the

<sup>1</sup> At Richmond as late as April 4, when McClellan inaugurated an advance from Fortress Monroe, it seemed as likely that the Union offensive would be in northern Virginia as on the Peninsula. As hurriedly as possible Johnston's forces were transferred to meet the advance.

<sup>2</sup> At one time Lee had been able to send him 1000 men without guns. Not even old flintlocks could be supplied at Richmond.

<sup>3</sup> On May 5 at Williamsburg, Longstreet dislocated McClellan's plan to attack Johnston's main forces. Ten days later federal gunboats were repulsed by the fortifications at Drewry's Bluff on the James about seven miles below Richmond. During McClellan's entire campaign no real advantage was won on the James.

man upon whom Lee relied to accomplish this objective. A wiser choice probably could not have been made.

Thomas Jonathan Jackson possessed the enduring qualities of his Scotch-English parents—high character, undying courage, singleness of purpose, and unwavering devotion to that which he believed right. Shy in private life—a none-too-successful teacher at the Virginia Military Institute at Lexington—he was inflexible in war, sparing neither himself nor his men who achieved the impossible by the force of his example. He was not a religious fanatic, but he was frequently at prayer, and his army sometimes assumed the character of a camp meeting.

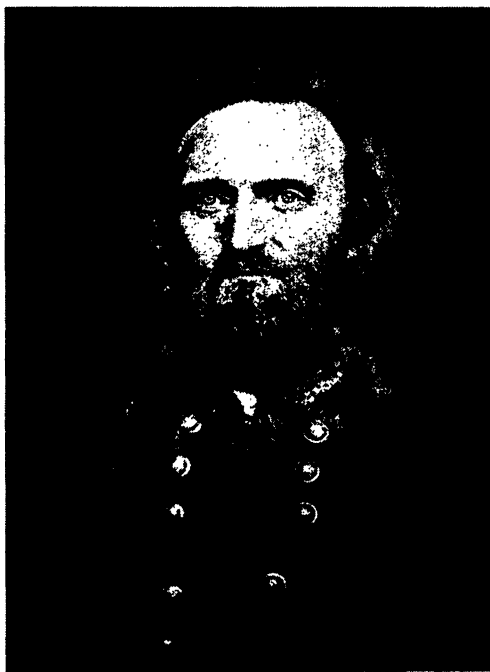
Jackson had only a third as many men as the Federals in the Valley, but the latter were in four separate commands. These he struck in rapid succession. Advancing as far as Harper's Ferry, he created such confusion and fear for the safety of Washington

*Stonewall  
Jackson*

*Fighting in  
the Shenan-  
doah*

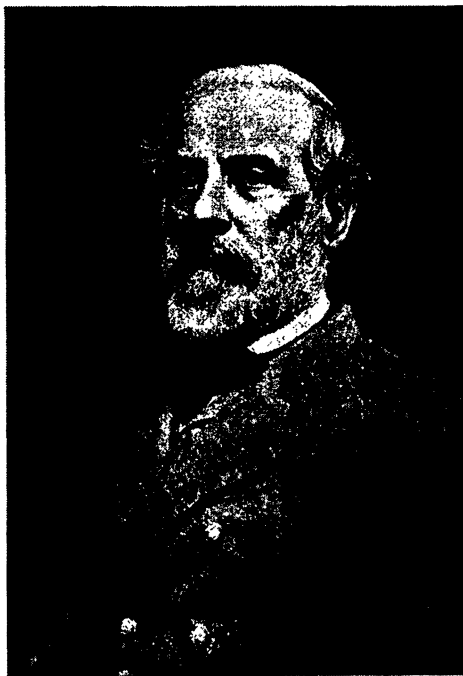
THOMAS J. JACKSON

*Photo by Brown Brothers*



ROBERT E. LEE

*Photo by Brown Brothers*





that Lincoln recalled McDowell whose army, having finally been ordered to join McClellan, was well advanced south of Fredericksburg.

*Fair Oaks,  
May 1862*

In the meantime Johnston decided to strike before the juncture of Federals before Richmond would give them overwhelming superiority in men and artillery. On May 31 he attacked at Fair Oaks (Seven Pines), hoping to crush the two Federal corps south of the Chickahominy before reinforcements could cross the river to their aid. For days heavy rains had fallen. The Chickahominy was the highest in twenty years. Two days of indecisive battle marked this first major conflict in the Peninsula campaign. Johnston was wounded, and Lee succeeded to his command.

*Lee succeeds  
Johnston*

Little enthusiasm, either in the army or at Richmond, attended the appointment of Lee, but soon there was a new spirit in the Confederate forces of Virginia. By his character and fine example, no less than by his generalship, the great soldier won the devotion of his men. For three weeks after Fair Oaks there was comparative quiet on the Peninsula. Heavy rains followed other heavy rains. McClellan's eleven bridges were washed away, and the face of the country was a bog. McClellan waited for more reinforcements. Lee gave ceaseless attention to the construction of entrenchments, to the great annoyance of soldiers who preferred to fight in the open. But the "King of Spades," as he was dubbed, kept them at it. The monotony was relieved by the exploit of General J. E. B. Stuart who, with his 1200 cavalrymen, rode completely around the Union army. Little was accomplished by the raid, but the daring nature of it brought great joy to Southerners.

*Lee's plan of  
action*

Unwilling to await McClellan's siege-like advance under cover of vastly superior artillery—an advance timed to strike Richmond before the end of June—Lee decided to take the offensive with all available forces. Jackson and his "foot cavalry" were called from the Valley, having made the Union forces there appear silly and having drawn McDowell so far afield that he could be of no use to McClellan for many days to come.<sup>1</sup>

<sup>1</sup> In seven weeks' time Jackson marched nearly 700 miles. Fighting almost continually, including five major engagements, he had beaten off forces totaling three or four times his own command. No comparable record was made during the war. Grant, campaigning before Vicksburg, and Early in the Shenandoah in 1864, were the nearest approaches.

Lee's plan called for an attack on McClellan's right north of the Chickahominy on June 26—the earliest date by which Jackson's division could arrive from the Valley. If successful, the Union army would be cut off from its base at White House and might be forced to retreat toward Yorktown, or possibly surrender. If unsuccessful, McClellan with two-thirds of his forces south of the Chickahominy might overwhelm Magruder with the skeleton force left to defend the lines before Richmond. But again the clever Magruder, using "Quaker guns" in addition to much maneuvering and a clatter of firing, so outwitted the cautious "Little Napoleon" that no attack was made on the city.

The field of Lee's operations was over a densely wooded area making the execution of his strategy extremely difficult. Worst of all, Jackson did not arrive at the appointed time.<sup>1</sup> So the "Seven Days" began with a severe Confederate repulse at Mechanicsville, June 26. At Gaines Mill, on the following day, the Union forces engaged were forced to flee. That night McClellan abandoned his base at White House, destroyed enormous supplies, and withdrew his army towards the James. For more than twenty-four hours Lee did not know with certainty whether the Union army had retreated toward the James or down the Peninsula. Actually it was swallowed up in wooded terrain not far from the Southern capital—a region which the Union army knew better than the Confederates!

*The "Seven Days,"  
Mechanicsville to  
Malvern Hill*

At Savage Station (June 29) and Frayser's Farm (June 30) Lee attacked the Union forces in full retreat toward the James, missing a great opportunity because Jackson, contrary to orders, failed to cross White Oak Swamp.<sup>2</sup> Jackson was clearly not the warrior of the Valley campaigns. On July 1, at Malvern Hill, a strong position chosen by McClellan, the last and most terrible battle of the Seven Days was fought. Repeated assaults across open fields failed to dislodge the Union army. The next day, in a deluge of rain, it withdrew to McClellan's new base at Harrison's

<sup>1</sup> The usual explanation—that Jackson halted his army on Sunday for worship—seems untenable. Sunday fell on June 22. It was the following day that Jackson in Lee's council of war agreed upon the twenty-sixth as the date for the attack.

<sup>2</sup> No wholly satisfactory explanation for Jackson's action has ever been found. Probably it was the consequence of near physical and mental exhaustion.

One of Lee's worries at this time was the destruction by McClellan of medicine needed for the sick and wounded Union soldiers left behind.

Landing—a position so strong that Lee dared not risk another battle.

*Results of the  
campaign*

When the campaign began, McClellan's outposts were only five miles from Richmond; he was now eighteen miles away. But his leadership was admirable; he kept the confidence of his men who still outnumbered the Confederates, and his losses in killed and wounded were only half as great as the Confederate. Lee had saved Richmond, but at the cost of 20,000 killed and wounded, including an appalling number of officers. Not for more than two years did another Union army advance so near the city. Lincoln visited McClellan at Harrison's Landing (July 9) to take stock of the situation. He found McClellan eager to attack Richmond through Petersburg (the way Grant terminated the war). But Halleck—General-in-Chief since Stanton was demoted to his proper place as Secretary of War (July 11)—frowned upon the plan, and Lincoln did not overrule him. The North was angry. Why was Richmond not taken! McClellan was sacrificed to appease the populace. In early August the army was returned to the Potomac. Except in point of time, the Union objective in the East was no nearer attainment than it was in July 1861, when the first advance on Richmond was stopped at Bull Run.

*Pope takes  
command*

General Halleck called John Pope, a blustering, boastful hero of some skirmishes on the Mississippi, to lead the Army of the Potomac on an overland march to Richmond. McClellan's plans were scrapped with their unlucky author. Pope invited the ridicule of his army by pompous proclamations and orders. He was accustomed, so he said, to see only the backs of the enemy. His army should live off the country. Let the civilian population beware! For no other adversary throughout the war did Lee entertain such contempt and dislike.

*Second Bull  
Run, August  
1862*

With superior forces, Pope flung caution to the winds and played into the hands of Lee—Lee who feared intelligent leadership rather than strength. In perhaps the most brilliantly executed strategy of the war, Jackson swung around Pope's right, fell upon the Union communications base, burned vast supplies which could not be carried away, and hid until Lee arrived. Then on August 29–30, on the ground where scattered bones marked the first battle of Bull Run, Lee and Jackson coordinated

their movements with such precision as to hurl the gallant Federals reeling back toward Washington—and Pope into oblivion.<sup>1</sup> Again, a great rain made successful pursuit impossible; moreover, Lee's men had had no rations for three days.

There was discouragement, fear, and anger at Washington. All the sacrifices and gains of a year's fighting in the East had been for naught. The hounding of Lincoln by Ben Wade and his gang was redoubled, and abolitionists pestered the harassed chief executive with importunities to free the slaves. Unless Northern luck should change, Lincoln might face, in addition, the recognition of Southern independence by England and France, and a heavy reversal in the fall elections. By contrast, the days following Pope's defeat were the brightest the Confederacy was to know. So recently as late June, Union troops could see the church spires of Richmond; two months later Virginia was almost free of them. Southern soldiers seemed invincible. One more decisive victory, before the demoralized Federals could recover and take advantage of new enlistments, and the North might well abandon its attempt to subdue the South!

*Reaction in  
North and  
South*

So Lee took the audacious step of leading his ragged men—thousands of them barefooted—across the Potomac. He would take war into the enemy country, where food might be found, and give Virginia a chance to harvest her scanty crops; he would “liberate” Maryland and, perhaps, isolate Washington. On September 5 his men splashed across the Potomac forty miles above Washington, and two days later occupied Frederick. Lee hoped for recruits, but the tattered condition of his men inspired little confidence among comfortable Marylanders. He lost more footsore soldiers by desertion than he gained through enlistment.

*Lee invades  
Maryland*

Lee's most serious problem was the bringing of ammunition and supplies from Richmond. Harper's Ferry, still held by Federals, stood between. Jackson with nearly half the army was detailed to capture the place, while the remainder advanced northwestward. The two wings were to rejoin at Hagerstown beyond South Mountain. To divide his army thus in the face

*Plan of  
strategy*

<sup>1</sup> Pope's army numbered 80,000; the Confederates, 54,000. Union casualties were 14,000; the Confederate, 9000.

of the approaching enemy was dangerous. But Lee had not counted on the almost miraculous achievements of McClellan, who had been retrieved from the discard by Lincoln and who for once was advancing with great speed. McClellan possessed a copy of Lee's orders outlining detailed plans of the Confederate campaign.<sup>1</sup> No wonder he moved with unaccustomed confidence!

After McClellan forced the passes of South Mountain, Lee took a position at Sharpsburg, behind Antietam Creek—his back to the Potomac—and there Jackson rejoined him, after seizing Harpers Ferry, just in time to meet McClellan's attack on September 17. The total Confederate forces numbered less than 40,000.<sup>2</sup> McClellan had nearly twice as many, with far superior artillery.

*Antietam,  
September  
17, 1862*

In that bloodiest single day of the entire war, Union assaults were desperately repulsed. Along a sunken road—"Bloody Lane"—2000 men fell in twenty minutes. By mid afternoon it appeared that Lee was beaten, but the arrival of A. P. Hill's 3000 men—marching seventeen miles since morning—saved the day for the Confederates. Each side claimed the victory. Although McClellan had fresh reserves he did not renew the attack, and thus brought down upon his head a new avalanche of criticism. But that unhappy general was campaigning with a "halter around his neck," and was trying to play safe; for the only official command he had received was to defend Washington, not to go dashing off into the field. Lincoln, it is true, verbally told him to direct field operations.

On the night of the eighteenth Lee recrossed the Potomac. His men were no longer singing "Maryland, My Maryland"—one-fourth of their comrades had been killed or wounded.<sup>3</sup> Before many months pigs were rooting up the skulls of the hastily

<sup>1</sup> An unknown staff officer under General D. H. Hill wrapped Hill's copy of Lee's orders around three cigars. He later dropped it, and it was picked up at Frederick by a Union soldier and given to McClellan.

<sup>2</sup> Lee had 53,000 just before he entered Maryland. Some Southerners were unwilling to wage offensive war outside the Confederacy, but the painful consequences of marching barefooted on rocky roads accounted for most of the straggling. Straggling was never again so bad until the very end of the war.

<sup>3</sup> In the entire Maryland campaign the Federal losses, including the garrisons at Harpers Ferry and Martinsburg, were 27,767. At Harpers Ferry the Confederates captured 73 guns and 13,000 small arms.

buried Confederates, while sorrowing families steeled themselves for still further sacrifices.

Antietam—on the seventy-fifth anniversary of the signing of the Federal Constitution—gave to the North still another chance of restoring the Union; it offered Lincoln the long-awaited opportunity of issuing an emancipation proclamation without the appearance of futility; and it put an end to the prospect of intervention by England and France. The imponderables which help shape the destiny of nations had swung heavily against the still-hopeful Confederacy.

*Significance  
of outcome*

## Chapter Forty-Four

### WARTIME FOREIGN RELATIONS

#### *The North*

**D**URING the war years foreign relations assumed a degree of importance comparable with the period before 1815. But time and circumstances had produced a reversal of positions. In the earlier period the chief concern of the United States was the *rights* of a neutral; in the later it was the *duties* or obligations of neutrals, particularly England. Domestic difficulty invites foreign intervention. It was the task of Northern diplomats, therefore, to prevent any European interference—interference which might well have made the subjection of the South extremely difficult or even impossible. Secretary of State Seward, after a few weeks of unbelievable vagaries, settled down to a highly successful career, while Charles Francis Adams, minister to England, trod the difficult path of duty at the Court of St. James with the finesse of a tightrope walker.

#### *The South*

By the nature of circumstances the problems of Confederate diplomacy were greater than those confronting the North. Not yet received into the family of nations, the Confederacy had to start from scratch; moreover, the activity of the Union navy seriously interrupted communications with agents sent abroad. After Robert Toombs and R. M. T. Hunter in turn had given of their abilities to the State Department, Judah P. Benjamin, the talented "smiling Jew," became secretary in February 1862. To the end of the war he retained the confidence of Davis. Desirous of early European recognition, Davis sent abroad (February 1861) a commission headed by W. L. Yancey. Neither they nor their successors were ever received officially; but from high sources sufficient encouragement was given to make Davis believe until his death that the Confederacy had been deceived.

British sympathies were divided. Most upper-class Englishmen

avored the Confederacy. They had much in common with the plantation aristocracy and little with the "vulgar, boastful" Yankees. Moreover, they could see little difference between the action of the South and that of the thirteen colonies resisting efforts at coercion. Slavery, it is true, was opposed by Englishmen, but Lincoln and Congress emphatically announced their purpose of waging war to save the Union and not to destroy slavery. Moreover, Englishmen disliked the protective tariff, which seemed a direct blow at free-trade Britain, and were disturbed by the great growth of the American merchant marine. Finally, there was a latent fear of democracy. If the North should win, this leveling idea in government might be hard to resist in England itself where the masses were still disenfranchised. There was fear too that the fast-growing United States, unless divided, might endanger British world supremacy.

*British  
sympathies*

If England had entered the war at any time it must have been on the side of the South. The great problem of Union diplomacy, therefore, was to keep England neutral. But wartime relations got off to a bad start. On May 13, 1861—the day Minister Charles Francis Adams reached London—the Queen's Proclamation of Neutrality was issued. Although the action was hasty it was correct;<sup>1</sup> but anger flamed in the North because Southern belligerency was thereby recognized, and Confederate chances of victory enhanced accordingly.<sup>2</sup>

*England  
proclaims  
neutrality*

In the outcome the action was probably fortunate for the North. If England had delayed until Union forces were routed at Bull Run two months later, the more extreme step of recognition of Southern independence might well have been taken. Furthermore, England recognized the blockade from the beginning, thus helping the North in the effective use of one of her

*England  
respects  
the blockade*

<sup>1</sup> An official announcement of Lincoln's proclamation had not reached England, although unofficial news had arrived on May 4, 1861.

The United States had never recognized any blockade as binding except a war blockade. Therefore, when Lincoln issued his proclamation of blockade, April 19, 1861, "in pursuance of the law of nations," he was actually recognizing Southern belligerency. The United States Supreme Court so decided in 1862.

<sup>2</sup> In her relations with England the Confederacy would enjoy every right which the United States possessed, such as the search of merchant vessels, the use of commerce destroyers, and the floating of loans. On the other hand, the parent state would be relieved of responsibility for the acts of the "rebels."



most powerful weapons. This was a great blow to Confederate leaders who long believed that England would break the blockade—on the assumption that it was ineffective—in order to secure the cotton so vital to British industry.

The United States had always maintained that a blockade was not binding unless really effective, a position that was endorsed by the principal European powers in 1856 following the Crimean War, when they adopted four rules governing naval warfare. The fourth rule in this Declaration of Paris stated that "blockades, in order to be binding, must be effective," that is, strong enough to prevent ships from entering a harbor. Obviously Lincoln's blockade was not effective for several months after it was proclaimed, but England was careful not to break it. Because her navy was her defense, she was glad of the chance to establish a precedent which might be useful in the future. World War I experiences showed the wisdom of her course.

*Doctrine of  
continuous  
voyage*

In still another respect the United States called the tune of future British interests by accepting her doctrine of continuous voyage. That is, contraband may be seized when bound from one neutral port to another if the ultimate destination of the cargo is enemy territory. This doctrine had been constructed upon the Rule of 1756 by British admiralty courts during the Napoleonic Wars. During the Civil War, ships clearing from European ports for Nassau in the Bahamas often carried contraband which obviously was destined for the Confederacy. So the navy was instructed to seize such vessels on the neutral leg of the voyage, because it was much easier than trying to capture the swift blockade runners on the last leg. The Supreme Court sustained the action, and England readily acquiesced in the practice.

*Cotton  
diplomacy*

The British acceptance of Northern blockade practices proved a great blow to Confederate hopes; for Southerners believed that, if for no other reason, England would be driven to break the blockade in order to secure cotton. Four-fifths of her cotton consumption was Southern grown; one-fifth of her population was dependent upon its manufacture. If cotton should be withheld, reasoned Southerners, England would wage war with the North if necessary to obtain it, and Southern victory would be assured!

But the war began at an inauspicious time for the South.

British buyers had taken advantage of several bumper cotton crops to store warehouses with two years' supply.<sup>1</sup> Not only were manufacturers able to tide themselves over what otherwise would have been a critical period, but actually they welcomed a situation which enabled them to convert the stocks of a glutted market into rich profits. In common with the producers of war materials, they hoped the war would continue indefinitely.

In order to increase economic pressure, Southern states and planters voluntarily placed an embargo on shipments of cotton. Production was greatly curtailed and thousands of bales were burned in order to emphasize the prospective foreign shortage. In addition, by 1865, over two million bales were destroyed to prevent the cotton from falling into the hands of Union troops. Such allegiance to "King Cotton" merely helped the downfall of the Confederacy. For several reasons Britain withstood the pressure even after her surplus was consumed: well over a million bales were run through the blockade; Egypt and India, no longer facing Southern competition, jumped into the breach; and Northern armies pushing into the South made possible further shipments. Several hundred thousand English cotton operatives were thrown out of work, and suffering was acute; but the total of unemployment during the war was not abnormal. Industries in general were thriving as a result of heavy sales to the North; furthermore, when the pressure over cotton became most acute in 1863, the North was fighting to free the slaves as well as to preserve the Union. The danger of intervention for economic reasons, granting that it ever existed, had passed. "King Cotton" could not stand the acid test.

*"King  
Cotton" loses  
his scepter*

Ironically, "King Wheat" disputed the supremacy of "King Cotton," and probably helped to maintain British neutrality. In 1861-62-63, serious crop shortages in England forced heavy purchases from abroad. Many Northerners convinced themselves, therefore, that without their wheat Britons would face starvation. Actually, England might have secured wheat else-

*"King  
Wheat"*

<sup>1</sup> Southern cotton production, in bales:

1858	3,750,000	1862	1,600,000
1859	4,550,000	1863	450,000
1860	3,840,000	1864	300,000
1861	4,500,000	1865	2,000,000

where, but at a somewhat higher price. It was only natural that she should purchase in the cheapest market, particularly in view of the greatly increased volume of sales to the United States.

*The "Trent" affair* Long before the blockade became a decisive economic factor in the struggle England and the United States passed through a diplomatic crisis, the *Trent* affair, bristling with possibilities for war. Because of the failure of earlier Southern commissioners to gain foreign recognition, the Confederate government in the fall of 1861 sent two of its ablest statesmen, John Slidell and James M. Mason, on special missions to France and England respectively. Successfully running the blockade, they embarked at Havana on the British mail steamer *Trent*. Meantime Captain Charles Wilkes of the U. S. S. *San Jacinto*, returning from Africa, heard about the plans of the commissioners. Acting without instructions he forthwith stopped the *Trent* (November 8) and forcibly removed Mason and Slidell. For safekeeping they were taken to Fort Warren in Boston.

The news caught the victory-starved North in a receptive mood for something to celebrate. A delirium of rejoicing swept the land. Wilkes was the hero of the hour. He was feted and promoted, and Congress voted him a gold medal of honor. Truculent because England had recognized Southern belligerency, Americans had not forgotten the thousands of sailors impressed in earlier years. Giving the Britons a taste of their own medicine was sweet revenge.

When the news of the *Trent* reached England excitement ran to a stormy pitch, for it was assumed that Wilkes had acted under orders for the purpose of provoking such a war as Seward had previously advised. The Prime Minister, Lord Palmerston, had been quite cognizant from the beginning that such an incident might occur, and in view of the ancient British practice of impressment it appeared that England would not have a good case. Such was the advice of law officers of the crown before the incident occurred. But the bellicose nature of "Old Pam" was in no way tamed by the circumstances, by his eighty years, or by an unusually severe attack of the gout. He hobbled into cabinet meeting and in un-Victorian language announced that he would not stand for it.

Under Palmerston's influence, Lord Russell wrote a note which, if dispatched, must have produced war. But with Victoria's approval Prince Albert from his death bed wrote a memorandum strongly modifying the peremptory demand for the surrender of the prisoners and "an apology for the insult offered to the British flag." The note in its final form incorporated the Prince Consort's recommendations. In addition, the British minister in Washington, Lord Lyons, was given a measure of discretion. But England was in dead earnest; the men must be released. Meanwhile the Admiralty made determined preparations for war, and 8000 picked troops embarked for Canada to the tune of "Dixie," played by a volunteer band.

*Prince Albert lends a hand*

Clearly the United States was in the wrong, and Lincoln and Seward found that they had "white elephants" on their hands. They were caught between two fires. If Mason and Slidell were released, Lincoln's already unpopular government might be overthrown by an outraged public; if the men were not released, war with England must follow, and that would mean Southern independence. With the utmost tact Lord Lyons eased the way for Seward; the cabinet decided after a lengthy session on Christmas Day that the prisoners must be liberated; and to Seward fell the task of writing an official explanation which the public would accept. Seward's long note of December 26, 1861, showed a greater understanding of the American mind than of maritime law. The Confederate agents, he said, were "contraband of war" (a ridiculous assertion) and thus liable to seizure on a neutral vessel; but, he continued, Wilkes had erred in his failure to seize the vessel for adjudication by a prize court. Anyway, as he finally stated, the seizure was contrary to the old American principle. The North acquiesced, but with sharpened hatred for England. The South was greatly disappointed because the affair did not produce the hoped-for rupture which would have been to her advantage; and Englishmen were pleased that peace was not broken.

*The affair is settled*

If the South had possessed a navy of real consequence, independence might well have been won. Efforts to create a navy produced serious foreign complications. Meanwhile an unsuccessful attempt was made to send privateers swarming out upon

*Problem of a Southern navy*

## Privateers

Northern commerce. On April 17, 1861, two days after Lincoln first called for volunteers, President Davis offered to commission privateers which he hoped might wage successful war upon Northern commerce.<sup>1</sup> A few vessels embraced the opportunity for glory and profit; but foreign powers closed their ports to them and their prizes, while the Northern blockade barred them from Southern ports. Thus stranded, they were an easy prey for the Union navy which soon put them out of business.

James D.  
Bulloch

Lacking the material and equipment for shipbuilding,<sup>2</sup> the Confederacy sought to buy cruisers abroad. On May 9, 1861, Captain James D. Bulloch (an uncle of Theodore Roosevelt) was commissioned for this purpose. In England he consulted eminent counsel who informed him that the mere building of a ship for a belligerent, without fitting out or arming it, was not a violation of British laws as stated in the foreign enlistment act of 1819. Openly, therefore, he contracted for ships.

The  
"Alabama"

In March 1862, the *Florida* left port. Meanwhile work on an iron steamer, the "290" (famous as the *Alabama*) was progressing at Birkenhead. The workmen understood that it was intended as a cruiser for the Confederacy. Minister Adams was sure of it, and was showering Lord Russell with a barrage of accumulated evidence to that effect. Finally (July 23, 1862), when the *Alabama* was almost finished, Russell was moved to submit all the relevant papers to the law officers of the crown. At this crucial stage the Queen's Advocate lost his mind, and his distracted wife allowed the papers to lie on his desk for five days. Speedily thereafter other officers advised detention of the *Alabama*, but almost at the hour the vessel put out for a "trial spin" and did not return. In the Azores the *Alabama* received equipment and crew; then, under Captain Raphael Semmes, it sunk, burned, or seized about sixty ships of the Union marine, and

<sup>1</sup> Seward hoped to forestall the action by subscribing to the Declaration of Paris (1856) which outlawed privateering. The powers were willing to accept the adherence of the United States, but only with the reservation that the rule respecting privateering would not be binding during the war. The United States did not adhere until 1898, at the time of the Spanish-American War.

<sup>2</sup> A few merchant steamers and revenue cutters were converted into fighting ships for inland water use. Among the many vessels of various sorts in this service were twenty-one ironclads. Most famous of all ships produced by the South was the revamped *Merrimack*, or *Virginia*.

scared a great share of the remainder into English registry.<sup>1</sup>

The *Alabama* and its sister ships were effective as cruisers in the Southern navy, but they were not blockade breakers. Bulloch, therefore, contracted with the builders of the *Alabama* (Laird and Company) for a gunboat, the *Alexandra*, and two powerful ironclad rams.<sup>2</sup> Ironclads capable of making playthings of the wooden-hulled Union blockade squadrons might well spell independence for the South. To avoid seizure of the rams by the British government, Confederate agents transferred ownership to a French firm with arrangements for resale to the Confederacy. It appeared that the South would get its rams. Then (July 16, 1863) came the news of Vicksburg and Gettysburg, and with it visions of an outraged United States constructing cruisers with which some future enemy of England might destroy British commerce.

*The ironclad  
rams*

On September 5, 1863, having heard that one of the rams was about to put out to sea, Adams wrote his most famous note to Russell: "It would be superfluous in me to point out to your Lordship that this is war." The rams were never delivered; but Americans did not know until later that Russell had ordered their detention two days before Adams wrote his "superfluous" note. France remained the only Southern hope for ironclads. Napoleon III was eager to aid the South, providing it could be done secretly. With his approval contracts were signed in the summer of 1863 for the building of four cruisers and two rams. When the secret leaked out Napoleon executed an about face, and the South failed to get the ships.

Approximately a year before the problem of the rams was settled, the North weathered what was probably the most severe

<sup>1</sup> On June 19, 1864, the *Alabama* engaged the recently overhauled U.S.S. *Kearsarge*, Captain J. A. Winslow, in the English Channel. After twenty-two months continuously at sea, the *Alabama* was in poor condition—its powder dulled. It went down by the stern. Winslow made little effort to save the Confederates who were thrown into the water. The British yacht, *Deerhound*, picked up forty-one survivors. Ten drowned.

The *Shenandoah* was the third of the most famous trio of commerce destroyers. It was purchased in England. The United States entered claims against England for damage done by eleven vessels. In 1872 the United States was awarded \$15,500,000 (Geneva arbitration) as settlement in full.

<sup>2</sup> The British government seized the *Alexandra*, but the courts ordered her release. However, she reached American waters too late to be of value to the Confederacy.

*The crisis  
of 1862*

crisis of the war. From the beginning the South sought recognition of its independence by England and France. Napoleon was willing, but was afraid to act alone. Palmerston and Russell were wary. French recognition of American independence in 1778 brought war with England; British recognition of the Confederacy must have been followed by war with the North.<sup>1</sup>

*England  
considers  
recognition  
of  
Confederacy*

Confederate prospects for victory in the summer of 1862 appeared highly favorable. McClellan's Peninsular campaign had failed by July. At the end of August Pope was sent reeling backward at the second battle of Bull Run, and Lee soon followed up with an invasion of Maryland. Palmerston and Russell agreed that the time had come for recognizing Southern independence. A cabinet meeting for consideration of the step was set for October 23.

*Antietam,  
Gladstone,  
and "Old  
Pam"*

But events transpired to postpone action indefinitely. In late September news of Antietam arrived. Maybe the South could not win after all! Then (October 7) William E. Gladstone, Chancellor of the Exchequer, delivered a memorable speech at Newcastle. Presumably representing the will of the cabinet, this enthusiastic "young man of fifty-four" declared that Southern leaders had made an army, that they were making a navy, and "what is more than either—they have made a nation." What appeared, therefore, to be an immediate prospect of early intervention caused great disturbance in the business world. Under the changed circumstances Palmerston and Russell were too well seasoned in diplomacy to risk interference, especially when Canada was vulnerable in case of a break with the North. After all, neutrality was proving highly profitable to the English. Even Napoleon's formal proposal (November 11, 1862) of joint mediation by France, England, and Russia was rejected by the British cabinet.<sup>2</sup>

Of considerable diplomatic importance were Lincoln's Emancipation Proclamations. Among the forces spurring the President to the action was the danger of foreign intervention. By de-

<sup>1</sup> Adams had instructions to sever diplomatic relations if recognition should be granted, and Seward had made it quite clear to him that war must follow.

<sup>2</sup> Napoleon in February 1863 alone proposed mediation to both the North and South. Seward politely declined. The Emperor was particularly eager to aid the South because of his schemes in Mexico.

claring the slaves free he might lift the war to the level of a moral crusade and prevent the world champion of freedom (Great Britain) from aiding the South. Taking advantage of Lee's retreat from Maryland following Antietam, Lincoln (September 22, 1862) issued his preliminary proclamation. It was greeted with joy by radicals and liberals in England, but the general attitude toward the Union cause was not materially changed. To pro-Southern sympathizers it appeared as an act of desperation designed to stir up servile insurrection. The *Times* termed the proclamation Lincoln's "last card," and inquired: "Is the reign of the last President to go out amid horrible massacres of white women and children . . . ?" A member of Parliament denounced it as "a vindictive measure of spite and retaliation . . . one of the most devilish acts of fiendish malignity which the wickedness of man could ever have conceived."

*Emancipation as a factor in diplomacy*

When the date for the final proclamation arrived (January 1, 1863) the Northern cause seemed hardly to be improved. The shock of Fredericksburg had not yet passed. But Lincoln stuck to his purpose, and Europe was soon convinced that he was sincere. In England the antislavery element was encouraged, and hungry textile workers tightened their belts and demonstrated to Parliament that intervention on behalf of the South would not receive the support of the masses. British intervention was still a possibility—a resolution in Parliament to this end was not withdrawn until July 13, 1863<sup>1</sup>—but there was slight chance of it after the Antietam campaign of 1862.

*Danger of British intervention ends*

Napoleon's desire to intervene in the war was motivated primarily by his schemes in Mexico. Having become emperor by a *coup d'état*, it was necessary that he occasionally do something that would redound to the glory of France lest he lose his somewhat shaky throne. The turgid waters of Mexican politics, finance, and religion offered glowing possibilities.

By 1857, when Santa Anna finally bowed himself off the stage, the unhappy republic had had thirty-six different governments and almost as many revolutions. In that year the adop-

*Turmoil in Mexico*

<sup>1</sup> News of Vicksburg and Gettysburg did not arrive until three days later. The resolution (presented by J. A. Roebuck, an old friend of Napoleon) called upon the government to enter into negotiations with European powers looking to the recognition of the Confederacy.



tion of a liberal constitution inaugurated the War of Reform. Leading this attack on the clergy and military was a full-blooded Indian, Benito Juarez, an ex-college professor and jurist. Recognized by the United States from 1859, he was in possession of Mexico City by 1861, busily dealing vigorous blows to the so-called clerical party. As if he did not have sufficient domestic difficulties, he was soon in the toils of foreign danger because of the financial dealings of his impecunious predecessors in office.

*Napoleon's  
opportunity*

During these years a state of near-anarchy had caused heavy losses of American and European life and property. Buchanan threatened intervention. The clerical party, pretending to fear absorption by the United States, then turned to Napoleon who was more than willing to fish in the inviting waters of the Western Hemisphere when the Civil War made it impossible for the United States to enforce the Monroe Doctrine. Here was the golden opportunity to make French influence paramount in Latin America, and besides win the gratitude of the Pope and of Austria.

*European  
intervention  
in Mexico*

A crisis came when the Mexican Congress (July 17, 1861) authorized a two-year suspension of payments on foreign obligations. Responding to the demands of their citizens, England, France, and Spain signed a convention (October 1861) agreeing to use force to collect defaulted debts.<sup>1</sup> The agreement specifically stated that none of the signatory powers would interfere with the government of Mexico. But the deceitful Napoleon was planning—three weeks before the signing—to establish a puppet government; and the Archduke Maximilian of Austria was his choice for “emperor.”

*Maximilian  
takes his  
throne*

Soon after the allied forces occupied Vera Cruz (winter of 1861–1862) Napoleon's real intentions were discovered. England and Spain withdrew. Juarez would not yield, and not until June 1863 were French forces able to occupy Mexico City. Then the marionette drama unfolded with Napoleon pulling the strings. Finally, in 1864, Maximilian and Carlotta fared forth to

<sup>1</sup>The legitimate claims of the French were far less than those of the British. Most notorious was the Jecker claim which Napoleon backed. This claim was for a nominal loan of \$15,000,000 which had yielded only \$750,000 to the Mexican government. The half-brother of Napoleon stood to receive about one-third of the spoils from collection.

rule their "loving" subjects, who were kept in line by French bayonets which Napoleon had promised as long as needed. The play-emperor dreamed of absorbing all Central America, and even part of South America, while Juarez, whose government was recognized to the end by the United States, waged unending guerrilla warfare.

Secretary Seward, with his hands tied by the Civil War, took a position characterized by firmness and tact, being careful not to force the issue. Because of preoccupation with war, and without knowledge of Napoleon's true intentions, popular attention in the North was not roused by the new situation in Mexico until shortly before Maximilian took his throne. Then (April 4, 1864) the House of Representatives unanimously resolved that it was *not* the policy of the United States "to acknowledge any monarchical Government erected on the ruins of any republican Government in America under the auspices of any European Power."

*Seward  
and Congress*

Seward was able to persuade the French government that the action of the House did not mean war. He bided his time until the American conflict ended; then the French troops, without a choice in the matter, departed bag and baggage. Maximilian neglected to do so, and faced a firing squad on June 19, 1867. The less happy fate of his charming empress was life in mental darkness until 1927.

*Exit  
Maximilian*

The French occupation of Mexico clearly illustrated what was in store for America had the North not been victorious.<sup>1</sup> No longer would a united America have been able to exclude the age-old rivalries and hatreds of Europe with its constant threats to the precarious balance necessary to maintain peace. In brief, the preservation of the Union gave to the Monroe Doctrine such vitality as to enable the United States to preserve the Western Hemisphere from European aggression.

*Significance  
of Union  
victory*

A curious episode of the war—one that helps explain the acquisition of Alaska in 1867—reflected the friendly relations between Russia and the North. In the fall of 1863 one Russian fleet

*The role of  
Russia*

<sup>1</sup> Spain, likewise taking advantage of the war, managed to annex the Dominican Republic and seize some islands off Peru. Her pretensions could not outlive the American struggle.

dropped anchor in New York and another in San Francisco. Northerners, still afraid of European intervention although the crisis had passed, jumped to the conclusion that the fleets had been sent to aid them if it should be attempted. Not until 1915 did they learn the truth. In 1863, Russia, busily making the Poles squirm, feared war with England and France. Lest her fleets be bottled up in the Baltic or ice-locked in Asiatic waters they were sent to enjoy the hospitality of the United States.

\* \* \* \*

Northern diplomacy, directed to the end that events fail to transpire, played an important role in the war. Men less able than Seward and Adams might well have slipped when to do so would have been fatal. But no matter how decisive diplomatists may have been as stage-setters, the actors whom the people watched with greatest interest were the armies in the field. However, before turning again to the marching armies, it would be well to review some phases of life behind the battle lines.

## Chapter Forty-Five

### BEHIND THE BATTLE FRONT

**R**ECRUITING adequate armies and supplying their needs presented a great problem for the North; for the South it was the paramount—in the end, insuperable—problem.

Because the drafting of unwilling men into the army was considered un-American, Congress shrank from conscription and resorted to half-hearted substitutes to encourage volunteering.<sup>1</sup> But after the first excitement had passed, volunteers in sufficient numbers could not be induced to enter the service. By 1863 it was evident that the army would collapse from desertions and casualties unless stronger measures were tried. Thus, on March 3, 1863, was enacted the first United States Conscription Act. The main purpose of the measure was to stimulate volunteering by the threat of a draft. As a further stimulus the bonus was increased to \$300 for raw recruits and \$400 for veterans.

*Conscription  
in the North*

The law was complicated and vicious. In general, all male citizens between twenty and forty-five were required to register and were liable to compulsory enlistment. Physical disability was the principal cause for exemption, but high officials and those who were the sole support of poor families were also excepted. Productive of endless bitterness was the exemption of anyone who would pay the government \$300, or provide a substitute—an arrangement that held good even if the substitute should die or immediately desert.<sup>2</sup> Because the law did not apply to districts which met their quota of volunteers, it induced a disgraceful scramble for voluntary enlistments.

*An  
unsatisfactory  
law*

<sup>1</sup> In July 1861 a bonus of \$100 was offered to each volunteer. Pay was \$13 per month, later increased to \$16.

<sup>2</sup> As amended in 1864, only conscientious objectors might escape service by paying the fee, but substitute-hiring was permitted until the end of the war. The substitutes who actually served in the army were more than twice as numerous as conscripts.

*"Bounty jumping"*

States, counties, and cities held out the bait of additional bounties which in some instances reached the grand total of \$1500 for a single enlistment. Wealthy men and districts escaped the draft—hardly any of the great captains of industry in the post-war years ever saw army service—while poor men and districts provided the "cannon fodder." This was one reason for the wide prevalence of "bounty jumping." Dishonest men, often aided by bounty brokers who covered the country, would enlist, secure the bounty, then desert, perhaps to repeat the process indefinitely under different names. One "jumper" confessed that he collected bounties more than thirty times. Total federal bounties amounted to some \$300,000,000, a sum almost matched by state and local governments.

*Foreign enlistments*

Bounties were advertised in Canada and Europe. Hundreds of men from the almshouses of Germany and Belgium, and tens of thousands of Canadians and Irishmen, were recruited. To the Southern mind, the employment of foreign soldiers for the purpose of subduing the South was hardly different from the King's use of Hessians during the War for Independence.

Opposition to the draft was widespread, necessitating the use of the militia in several places. The most extreme example of violence was a terrible four-day riot (July 13–16, 1863) which broke out in New York when the first draft was attempted. Mobs ran wild, fought the police, burned, pillaged, and killed. It was an evil hour for any Negro who fell into their hands. Probably 500 people were killed, many more were wounded, and hundreds were made homeless.

*Southern conscription*

The South (likewise resorting to conscription) suffered no draft riots; but evasion and fraud were abundant, and besides there was strong opposition on the score of states rights.<sup>1</sup> In the strongly unionist mountain area men joined the army only if they wished, while many of the poorer people in other regions

<sup>1</sup> Prior to the adoption of conscription, states had presented troops to the Confederacy, thereby preserving their "sovereign rights." Afterwards they retained troops for local defense. Men might join the state troops, thereby escaping conscription and possibly service at the front.

State rivalry led to competitive bidding for supplies by state agents, which, in turn, increased the great difficulty encountered by the Confederacy in trying to feed and equip its armies.

looked upon the struggle as "a rich man's war and a poor man's fight." The first Confederate act (April 16, 1862)—imposing the obligation of military service for three years upon all white men between eighteen and thirty-five, unless legally exempt—was designed primarily to keep in the ranks those whose terms of enlistment would soon expire. Other measures followed, until the age limits were from seventeen to fifty. Some provisions of the acts were extremely unpopular, particularly the one permitting the hiring of substitutes (abolished in 1863) and the exemption of one owner or overseer for every plantation having twenty slaves—the "twenty-nigger" law.

Desertion, chiefly by conscripts, was a big factor in the dwindling size of Lee's army during the last months of the war when the destitution of thousands of families made an irresistible appeal. Hunger and insufficient clothing, war weariness, and inability to

*Desertion*

#### RECRUITING FOR THE WAR

*From Frank Leslie's Illustrated Newspaper, March 19, 1864*



pay for return transportation when on leave were other contributing causes. Confederate desertions totaled as many as 100,000. Union desertions were at least twice as numerous.

*The problem of finance* Because the war did not end quickly, it became a test of economic strength; and the measure of that strength was the relative success of the financial operations of the two governments. Both resorted to new taxes and loans (thus shifting a portion of the burden upon the shoulders of future generations), and both issued paper (fiat) money in great abundance.

*The Morrill tariff* Inasmuch as Congress had always looked to the tariff as the chief source of federal revenue, it was only natural that customs duties should be increased. Indeed the trend began two days before Lincoln's inaugural, when the Republicans redeemed their campaign pledge by enacting the Morrill tariff act, raising rates to an average of about twenty-five per cent—the level of the Walker act of 1846. Partly because of the inadequacy of the measure for war needs, and partly on the insistence of manufacturers who demanded higher rates to offset mounting taxes, successive Congresses increased the rates to an average of forty-seven per cent in 1864. During the war years total revenues from this source were about \$305,000,000.

*Internal taxes* An elaborate system of internal taxation was devised. In spite of traditional popular prejudice suggestive of the Whiskey Rebellion, excise taxes were imposed upon nearly everything imaginable, producing during the war over \$300,000,000. In 1861, for the first time in history, Congress imposed a tax of three per cent (later increased) on incomes above \$800. By the end of the war \$55,000,000 had been derived from this source. A direct tax on the states yielded \$17,000,000. It was the last time such a tax was ever attempted by the Federal Government. The wartime internal taxes were repealed soon after the war, but the tariff remained as a bulwark for the captains of industry and capital.

*Bond sales* Contrary to early expectations in the business world, Secretary Chase proposed to finance the war mainly by borrowing rather than by taxation. The result was such a loss of confidence accompanying the draining away of specie reserves that banks were forced to suspend specie payments by the end of 1861. From necessity the Federal Government followed suit. In the face of

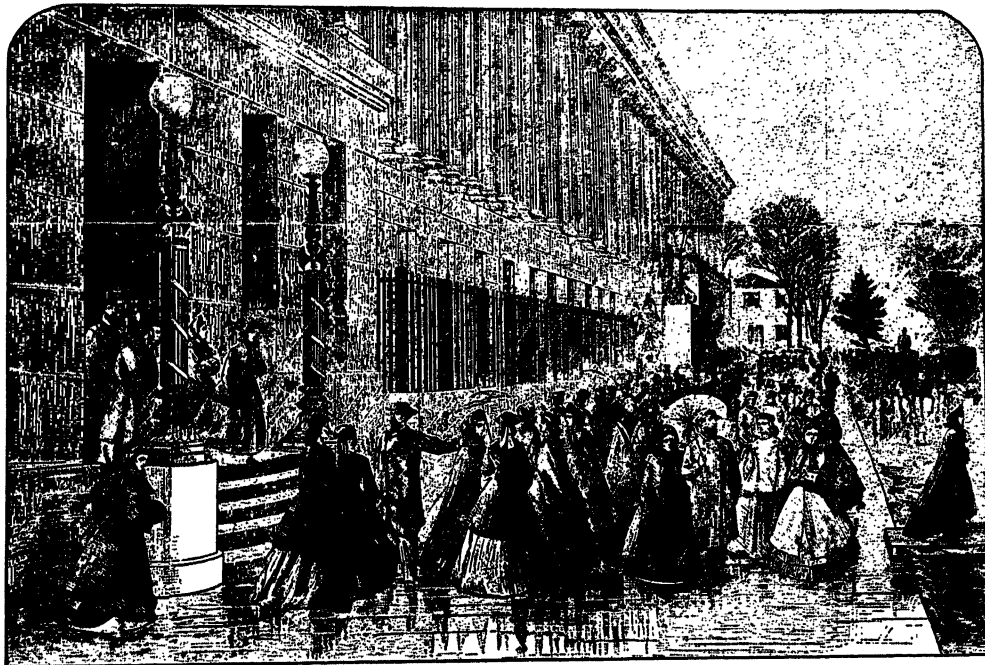
an unsympathetic Congress, Chase persisted with his program of borrowing. He offered bonds at various and ruinous rates of interest, and made Jay Cooke and Company of Philadelphia the sole agent for their distribution. Through a great campaign of advertising, Cooke, "the financier of the Civil War," popularized the purchase of bonds as a patriotic duty. The total amount raised by the United States through loans of all kinds (1861-1865) was well over \$2,620,000,000.

As a further stimulus for bond sales, Chase recommended (1862) the establishment of national banks. Another motive was the desire to establish a system which might stabilize the highly unsatisfactory conditions that had characterized banking since Jackson's administration. In destroying the Second United States Bank and establishing the Independent Treasury, the

*Chase  
proposes  
bank reform*

LADY CLERKS LEAVING THE TREASURY DEPARTMENT AT WASHINGTON  
SKETCHED BY A. R. WAUD

*From Harper's Weekly Feb. 18, 1865*





Federal Government had severed all connections with banking or its supervision. When the war began, the many hundreds of banks throughout the country operated under laws that varied widely with the states, enjoying the lucrative advantages of floating \$150,000,000 of bank notes on which they paid no interest, but which were liable to various degrees of discount depending upon the soundness of the bank of issue. Worse still, a considerable share of some 10,000 different kinds of notes in circulation had been issued by banks which either were discredited or had failed outright. The difficulties of conducting business under such conditions were further aggravated by counterfeiting of over 4000 varieties. The banker who was not equipped with *Counterfeit Detectors* and the latest information on the current rates of discount was liable to go out of business himself.

*The National  
Bank Act*

The National Bank Act of 1863 (amended in 1864) was designed both to remedy this condition and to augment bond sales. Under the law any association, of not fewer than five stockholders, which possessed a minimum capital of \$50,000 might establish a bank under a charter secured from the national government. However, at least one-third of the capital must be invested in federal bonds. If the bonds were then deposited with the United States Treasurer, the bank would receive national bank notes equal to ninety per cent of the face value of the bonds. These bank notes would then be put in circulation, and were receivable for all government dues except imports. It was hoped that the inducements thus held forth would lead state banks to secure national charters. But action was so slow that in 1865, after the war was over, a federal tax of ten per cent was levied on all state bank notes, thus driving them from circulation. By the end of 1865 over \$200,000,000 of national bank notes were in circulation.

*"Greenbacks"  
and "shin-  
plasters"*

Because bonds and taxes were slow in producing the necessary revenue for federal needs, Congress, by several acts beginning in 1862, authorized the issuance of \$450,000,000 in "legal tender" notes.<sup>1</sup> These "greenbacks" were legal tender for all debts public and private except for import duties and interest on the public

<sup>1</sup> Actually, \$431,000,000 went into circulation. After the war these "greenbacks" presented an important national issue until 1879. By that time the Resumption Act of 1875 had brought them to par, and the amount in circulation had been fixed at \$346,681,016. The Supreme Court upheld the constitutionality of the Legal Tender Act in 1871.

debt, but were backed by nothing except the good faith of the government. Greenbacks immediately declined in value and contributed to price inflation. Until the end of the war their value as compared with gold served as a barometer of public faith in the Union. In the summer of 1864 greenbacks were worth approximately one-third as much as gold. After the appearance of greenbacks, silver and copper followed gold into seclusion. People used postage stamps for minor business transactions until Congress relieved the sticky business by issuing \$50,000,000 of notes in denominations as low as three cents. "Shinplasters," they were promptly dubbed.

The problems of Confederate finance, far more difficult than those of the Northern government, constituted the greatest single obstacle to the Southern cause. The government when launched was virtually without income, a condition which was but little improved at any time during its burdensome existence. A large part of Southern wealth was "frozen" in lands and slaves. There was little specie, and the growing effectiveness of the blockade made customs receipts relatively negligible. It is not surprising therefore that the Confederate government not only resorted to every device employed by the Northern government—except the protective tariff (forbidden by the Confederate constitution)—but to some new ones in addition.

The first Confederate bond issue (\$15,000,000) was authorized in February 1861. Subscribed in specie, it represented at least half of the total specie receipts of the Confederacy during its entire lifetime. Thereafter bonds were exchanged for paper and produce. In 1863 recourse was had to taxation in kind, one-tenth of agricultural products being taken, by force if necessary. The law was highly unpopular but proved more successful than other forms of taxation.

Efforts to borrow abroad were only slightly successful. In 1863 a \$15,000,000 loan, secured by cotton, was floated through the French firm of Erlanger and Company. Six millions of this were wasted trying to "bull" the market,<sup>1</sup> and another five were spent on cruisers and rams which were never delivered. The bonds

<sup>1</sup> That is, trying to prevent a serious decline in the market price by purchasing large blocks of stock with the intention of reselling when the hoped-for rise should occur.

dropped to zero when the war ended. By contrast, Europe bought heavily of Northern bonds. Robert J. Walker, as "fiscal agent" for the United States Treasury, did yeoman service in England and Germany by circulating the untruthful story that Jefferson Davis was responsible for Mississippi's repudiation of bonds in the 'forties. Many a loser was willing to invest in the overthrow of Davis' government, and Walker raised \$250,000,000 in gold.

*Confederate  
scrip*

Because all sources of revenue were inadequate, the Confederate Treasury began issuing notes as early as March 1861. By 1862 over \$100,000,000 of this irredeemable paper money had been put into circulation, the states adding their bit by independent issues. Rapid depreciation set in, and further issues became necessary. At the end of 1863 a paper dollar was worth five cents. About one billion dollars of the near-worthless paper was outstanding when Lee surrendered.

*War powers  
of the  
President*

During the crises of war, American citizens have acquiesced in a presidential exercise of powers that would be considered unconstitutional in normal peace times. Thus, through an expansive interpretation of his prerogatives as Commander-in-Chief of the army and navy, Lincoln became virtually a dictator, although not after the post-World War I European model. He reconciled violations of the Constitution with his "paramount object" of saving the Union, and the majority of the people supported him.

*Blockade and  
habeas  
corpus*

At the opening of the war Lincoln called for enlistments without previous authorization by Congress, proclaimed a blockade, and suspended the writ of habeas corpus in Maryland.<sup>1</sup> Faced with a *fait accompli*, Congress gave its approval; and the Supreme Court (in the *Prize Cases*, 1863) upheld the proclamations of blockade. But Chief Justice Taney, in *ex parte Merryman*, 1861, vigorously denied the President's claim of right to suspend the writ, and in *ex parte Milligan*, 1866, the Supreme Court finally declared that martial rule could never exist where the civil courts were open. By this time the war was over, and neither action had

<sup>1</sup> On September 24, 1862, two days after his first proclamation of freedom for the slaves, Lincoln proclaimed martial arrest and trial and the denial of habeas corpus for all who might in any way aid the South. Such interference with the freedom of citizens provoked widespread criticism. By the Habeas Corpus Act of March 3, 1863, the President was authorized to suspend the privilege of the writ during the "rebellion."

any effect upon some 13,000 men who were arrested arbitrarily and imprisoned indefinitely without trial.

An extreme wartime example of interference with personal liberties is that of a judge who was beaten by soldiers for presuming to question illegal acts of government officials, and then dragged to jail for six months. The most familiar case is that of Clement L. Vallandigham of Ohio, a prominent lawyer and chief spokesman for the "Copperheads" who bitterly attacked Lincoln for his usurpation of power.<sup>1</sup> Tried by court martial in 1863, he was found guilty of "declaring disloyal sentiments" and was condemned to imprisonment for the duration of the war. Lincoln met the awkward situation by banishing him to the Confederacy. He escaped to Canada, and from Niagara directed his campaign for the governorship of his state. After suffering a thumping defeat he quietly returned home. Lincoln was glad to leave him in peace.

*Limitations  
upon  
freedom of  
speech*

*Vallandi-  
gham*

Interference with freedom of speech and the press extended to the arrest of editors and the temporary suspension of many newspapers, including the *Chicago Times* and the *New York World*; but dozens of others printed scurrilous articles without being held to account. Considering the thousands who sympathized with the South, thus augmenting the inherent difficulties presented by a brothers' war, it is perhaps surprising that interference with ordinary civil rights was not more extreme. Certainly suppressive activity on the part of the government was more pronounced during World War I, and with less provocation.

*The press*

Jefferson Davis, laboring under greater difficulties than those confronting Lincoln, took steps that likewise brought upon his head the charge of tyrant. He, too, suspended the writ of habeas corpus—after the Confederate Congress by act of April 1862 authorized him to do so—putting under martial law a few districts and cities threatened by Northern armies. Violent opposition flared; state judges released prisoners held by authority of the

*Habeas  
corpus in the  
South*

<sup>1</sup> "Copperheads" (so called because of a badge cut from a copper cent, on which was the head of the Goddess of Liberty) were Peace Democrats opposed to Lincoln's war policy. Some Copperheads strongly sympathized with the South. They were most numerous in Ohio, Indiana, and Illinois, and were able to "write" the party platform in 1864. For years after the war the reputation of the Democratic party was damaged by its Copperhead element.

Confederacy; and the Georgia legislature declared the act unconstitutional. By a third act (1864) the President was left without discretionary power in matters of habeas corpus. The South was too highly indoctrinated with states rights to sanction such interference with civil liberties as the North endured, and for that reason helped encompass its own defeat.

*Southern  
peace  
movements*

The South had its peace movements, even as the North its Copperheads. They appeared as early as the first year of the war and touched at least eight states. In 1864 the Holden movement in North Carolina gained such strength as to threaten separate peace with the Union. Members of these peace organizations labored to weaken Confederate forces by giving military information to the Federals, by burning bridges, and by other devices. They claimed responsibility for the loss of Vicksburg and Chattanooga.

*Problem of  
emancipation*

If problems respecting arbitrary government and the liberties of the people were perplexing in 1862, that of Negro emancipation was even more so. At the time of Lincoln's inauguration the Republican party did not favor abolition. The new President took pains to announce his purpose not to interfere with slavery within the states, and Congress supported him in declaring that the purpose of the war was only to preserve the Union. But the abolitionists, loudly asserting that slavery produced the war and that failure to destroy the curse of bondage would be folly, rapidly won Republican converts. Democrats for the most part, as well as conservative Republicans, opposed emancipation.

*Action  
against  
slavery*

Nevertheless, by midsummer 1862, the Republican Congress had shown its abolitionist sympathies by prohibiting slavery both in the District of Columbia (April 1862) and in the territories (June 1862), and by the enactment of a confiscation law (July 1862) decreeing freedom for the slaves of all "rebels." Meanwhile two of Lincoln's generals had taken steps which bade fair to force the President's hand. John C. Frémont (August 1861) proclaimed freedom for slaves in Missouri, and David Hunter (May 1862) did the same for South Carolina, Georgia, and Florida. Lincoln overruled both, and brought down upon his head the wrath of the "radicals," including the powerful Senators Wade, Chandler, and Trumbull.

Lincoln's favorite solution for the problem—one upon which he hopefully labored until after all chance of success was gone—was federal compensation for gradual emancipation by the states. He induced Congress to adopt a joint resolution to that effect (April 1862), and the plan was carried out for the District of Columbia. But when Lincoln held a conference with congressmen from the Union slave states for the purpose of winning their support for the plan he found them lukewarm. The failure of McClellan's campaign left them in doubt about the outcome of the war. A bill introduced in Congress to provide compensation for the owners of slaves in the border states never became law.

*Lincoln's  
favorite plan*

Because of his interest in an equitable solution of the problem, Lincoln was keenly disappointed over the failure of his policy. Moreover it left him exposed to the attacks of the radicals who would be satisfied with nothing short of turning the war into a crusade against slavery. Acting as self-appointed spokesman for this element, Horace Greeley published an open letter addressed to the President (August 20, 1862), entitled "The Prayer of Twenty Millions." In this editorial Greeley declared that there was no "intelligent champion of the Union" on earth who did not consider all efforts to put down the rebellion futile unless slavery was crushed. Lincoln's reply, two days later, is the classic statement of his war aim:

*Greeley's  
"Prayer"*

*Lincoln's  
answer*

My paramount object in this struggle is to save the Union, and is not either to save or destroy slavery. If I could save it by freeing all the slaves, I would do it; and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help save the Union.

Actually, two months earlier (July 22), Lincoln had announced to the cabinet his intention of issuing an emancipation proclamation. The forces urging him to the decision—abolitionist pressure, extensive Negro aid to Southern armies, and danger of British and French intervention—had finally outweighed the factors restraining him; that is, the border states which might be lost, Union men who might object to a war to free the slaves, and the failure of Union arms. Under such circumstances a proclama-

tion might appear as futile, to use Lincoln's words, as the "Pope's bull against the comet." Seward urged him to wait for a victory lest it appear like a "last shriek on the retreat." Lincoln waited.

*"Forever free!"*

When Lee moved into Maryland, Lincoln made a covenant with God that he would free the Negroes if Lee were driven back. Antietam was his sign from the God of Battles, and five days later (September 22, 1862) he issued the Preliminary Emancipation Proclamation, declaring that on January 1, 1863, all slaves held in any state or part of a state then "in rebellion against the United States shall be then, thenceforward, and forever free." Henceforth human freedom and the Union were an inseparable goal.

*The final proclamation*

Southerners denounced the proclamation as a despicable attempt to incite a servile insurrection, and thus fought with even greater determination instead of laying down their arms. On January 1, 1863, therefore, the final proclamation was issued, specifying the exact areas in which slaves were declared to be free. The measure did not apply to the border slave states, nor to Tennessee and portions of Louisiana and Virginia—the regions where Union troops were in control, and where it might have been enforced. In other words, the proclamations did not free a single slave. But, in spite of conservative Northern objections, they did turn the war into a crusade against slavery. The popular conception of Lincoln as the "Great Emancipator," striking the shackles from millions of bondsmen, is true only to the extent that he was President during the war which resulted in freedom for the slaves.

*A war measure*

The proclamations were purely a war measure. Congress had no constitutional or legal right to take action against slavery in a state. Neither had the President, unless it could be exercised under his powers as Commander-in-Chief of the army and navy. Lincoln, himself, justified the step only as a military measure and still hoped the Southern states would voluntarily free their slaves with compensation. It was the Thirteenth Amendment, adopted in 1865, which constitutionally destroyed the institution.

*Northern prosperity*

The success of federal finance, and in turn of Union arms, depended largely upon the economic prosperity that characterized Northern life until after 1870. When the war began this section had not recovered fully from the depression of 1857-1860; consequently Southern champions of King Cotton predicted with in-

creased assurance the speedy collapse of Northern industry when deprived of the precious raw material. Actually by the summer of 1862 a Northern "boom" was on. The government became a great purchaser, stimulating the output of metal goods and woollens and increasing the demand for the farmer's output. Soon prosperity extended to nearly every industry—spurious prosperity it proved in the end for a great share of the people.

Cotton manufacturing suffered, it is true, but the Union occupation of Southern districts was productive of a surprising amount of cotton shipments across the line by the end of 1862. General Grant, during his Mississippi operations, was so much pestered by swarms of speculators seeking passports to send cotton through the lines that he finally ordered "Jews as a class" out of his department. Lincoln revoked the order. The brother of General Butler amassed a fortune in cotton during the occupation of New Orleans when the fiber would bring ten times as much in Boston as it cost in the South. With cotton at \$1.50 a pound, farmers in Illinois and Indiana tried with a small measure of success to meet the demand through the cultivation of the plant. *Cotton*

Industrial expansion stimulated urban growth, mining, and railroad building. During the war decade the total population of New York, Philadelphia, and Boston increased twenty per cent, that of the lake cities (Chicago, Milwaukee, Detroit, Cleveland, and Buffalo) over one hundred per cent. Lusty, sprawling Chicago, which grew from 109,000 in 1850 to 299,000, boasted at the end of the war a 300-acre Union Stock Yards, but still emptied its sewage into the lake not far from the intake of the city water supply. *Cities and railroads*

While the South was tearing up the rails of minor roads in order to repair the more important ones, the North was building new ones and consolidating the old. The closing of the Mississippi turned a great amount of commerce to lines eastward, with resulting high profits which were partially concealed by stock dividends. Attractive earnings tended to blind railway directors to the importance of keeping up the rolling stock and roadbeds, and in consequence accidents became distressingly numerous. By far the most important construction undertaken was the Union Pacific, authorized in 1862 as a war measure but hardly begun



until after the conflict.<sup>1</sup> The sectional deadlock which had prevented its location during the 'fifties was broken with secession.

*Oil* The oil industry, in its infancy during the war, was showing promise of a great future. In 1859, near Titusville, Pennsylvania, Edwin L. Drake's "folly" proved to be the first successful oil well. Rapidly thereafter lard and whale oil were superseded for illumination. Violence and waste attended the first oil rush; fabulous wealth came to toil-worn farmers, and John D. Rockefeller laid the foundations for one of the greatest of American fortunes. It was a great day for future "captains of industry."

*Agricultural expansion* In spite of the hundreds of thousands of farmers' sons drawn into the army, or to the Far West by the lure of gold or to escape conscription, agriculture prospered and expanded. The volume of westward migration was much the same as in normal times. Some new territorial boundaries were drawn, and two states admitted to the Union—Kansas (1861) as soon as Southerners withdrew from Congress, and Nevada (1864) because the Republicans wanted three more electoral votes. Several factors explain the growth and prosperity of agriculture. Favorable weather and good crops, an increased demand resulting from army purchases, and a succession of poor European harvests (1860–1862) accompanied rising prices and stimulated increased production.<sup>2</sup> Women and children took the place of men in the fields, and labor-saving machinery, notably the reaper—considered unnecessary in pre-war years when hired help was cheap—was purchased in enormous quantities.

*The Homestead Act* Still another important factor in agricultural expansion was the Homestead Act of 1862, terminating generations of agitation for free farms granted by the Federal Government. Sectionalism had prevented legislation for several years preceding the war, but secession cleared the way for the Republicans to fulfill their cam-

<sup>1</sup> The road would link the Pacific Coast with the East and tap the wealth of the mountain area. The Comstock lode of silver and gold in Nevada was discovered in 1859. Together with other mines of the state, it produced about \$8,000,000 during the war. Colorado and what became the territories of Idaho and Montana yielded even more.

Federal aid to the Union Pacific was in the form of ten sections of land (doubled in 1864) plus a loan of \$16,000 per mile. The loan was doubled and trebled according to terrain.

<sup>2</sup> During the war Europe purchased over \$325,000,000 worth of grain.

paign pledge.<sup>1</sup> Under the new law any head of a family or any citizen or alien (after a declaration of intention had been filed) twenty-one years of age or over was entitled to 160 acres of land on five years' residence. The basic provisions of the law have never been changed, but on February 5, 1935, President Roosevelt withdrew the last of the public domain (165,695,000 acres) from private entry.

It was likewise in 1862 that Congress, by the Morrill Act, first extended aid in the establishment of agricultural colleges. For many years enterprising farmers had given thought to the possibilities of scientific agriculture, particularly in the East where worn lands offered little chance of successful competition with virgin lands of the West. As early as 1850 state petitions for aid appeared in Congress. Justin S. Morrill, representing the poor soil of Vermont, fathered measures for that purpose. He emphasized the need for making farming more profitable and attractive as a means for stopping the drift of young people to the city. Already Michigan (1857), Iowa (1858), and Minnesota (1859) had authorized state agricultural colleges. The Morrill Act provided for a grant of 30,000 acres for each senator and representative in Congress, the land to be used for the establishment and maintenance of colleges of agriculture and mechanic arts. Every state of the Union eventually availed itself of the aid.

*Land Grant  
College Act*

The enormous wartime increase in the production of grain, hogs, and hides, together with the legislation designed to further agricultural interests, might make it appear that the farmer was living from the fat of the land. But because much of his prosperity was the direct result of currency inflation and an unusual foreign demand, it was artificial in nature, and was therefore productive of much distress in subsequent years—a condition like that of the post-World War I period. Partly because of increased taxes and the imposition of tariffs which became permanent, the relative status of the farmer actually declined.

<sup>1</sup> The movement first became a political issue with the Free Soil party of 1848. Four years later Congress first voted on a general bill for free farms. Bills were defeated in 1852-1853 because of a division of votes between East and West rather than North and South. Many Southern congressmen favored such a measure at the time because they hoped to relieve bad conditions of life in congested cities. The South did not consolidate its strength against the homestead policy until the Republicans became militant over the issue. In 1860 a homestead bill was passed, but Buchanan's veto was sustained by a small margin.

*Industrial  
expansion*

Equally if not more significant than the effect upon agrarian conditions was the tremendous acceleration given to the industrial revolution and to the growth of capitalism. Business consolidation reflected intoxicating profits in nearly all industries, and the number of millionaires increased in geometric proportions. In 1864 A. T. "Lucky Irishman" Stewart paid a tax on a net income of \$5,000,000.

*Business  
profits*

Dividends as high as forty per cent were not unusual in textiles; in some industries, such as munitions, they were even greater. Woolen mills operated to capacity throughout the war; new ones were built in many out-of-the-way places, only to become a dead loss when the war ended unless the owners could successfully burn them for insurance. Railway dividends, increasing steadily each year, attested to the spurting volume of traffic. In three years' time the earnings of the Erie Railroad doubled, while its stock advanced seven times over. The volume of transactions on the stock exchange increased dizzily. Secretary Chase in 1864 found among businessmen of New York a greater interest in the stock market than in the news of slaughter from the battle lines.

*Profiteers*

Army contractors and profiteers reaped a rich harvest. The Federal Government paid high prices in order to secure indispensable supplies quickly, while contractors often furnished the poorest quality. Union soldiers usually had sufficient food, but they grumbled about the "salt horse and the saltier pork." Contractors sometimes furnished rye for coffee, a paperlike substance for leather, and sand-loaded sugar. Blind and spavined old "plugs" constituted a considerable share of the horses furnished the cavalry, and the mules for artillery were so "ratty" that when "Jeb" Stuart captured a sizeable supply on a raid he wired a complaint to Washington that he was ashamed to take them through the Confederate lines.

*Union arms*

For a surprising length of time Union soldiers were poorly supplied with arms. During the hectic early months of war the refuse of foreign armories, and even United States muskets previously condemned and sold to contractors, were repurchased at fancy prices.<sup>1</sup> Incredibly, the vastly superior breechloader did not

<sup>1</sup> The classic example is that of 5000 Hall carbines sold at \$3.50 each, and re-bought through Frémont after slight improvement at \$22.00. When soldiers using them began losing thumbs, a great outcry was raised. J. P. Morgan financed the

dispossess the muzzleloader throughout the war. In the excitement of battle the antiquated guns and unseasoned recruits made a blundering combination. Even the veteran might ram down one unexploded charge after another.<sup>1</sup>

To the manufacturers of army uniforms and blankets was offered the greatest opportunity for dishonest profit. "Shoddy," the refuse of mills, was sometimes rolled and glued to give the appearance of virgin wool. Many were the shivering soldiers who found their uniforms literally disintegrating in the wind and rain; many the ragged and disappointed Confederates who acquired such uniforms on the battlefield only to suffer the same experience. Even in the Army of the Potomac soldiers sometimes mounted guard without trousers. To the whole tribe of war profiteers was given the name "shoddy aristocracy"—the newly rich which flaunted its ill-gotten wealth in such vulgar display as America had never witnessed. The most expensive articles sold readily; the race tracks and theaters were crowded; extravagantly dressed women showered gold dust in their hair, and men wore waistcoats with buttons of diamonds. Mrs. Lincoln ran up a debt of at least \$27,000 on her New York shopping trips.

*The  
"shoddy"  
aristocracy*

By happy contrast, most families made only such concessions to the changed conditions of the times as war contributions (including sons and brothers for the army) and a doubling of the cost of living demanded. The rise in prices is explained in part by taxation and an increased demand for goods, and in part by the declining value of greenbacks.<sup>2</sup> In New York the price of flour rose from \$4.30 per barrel in January 1860 to \$10 five years later.

*Living costs*

deal, but his profit was not excessive and there seems to be no reason for thinking he was attempting any unfair business practice.

<sup>1</sup> After the battle of Gettysburg an army officer stated that a vast majority of the muskets picked up on the field were loaded. About 12,000 contained two charges each, and half that number had from three to ten each. In 1857 a board had unanimously reported to the War Department in favor of the breechloader which was fifteen times faster than the muzzleloader. Secretary Stanton was suspicious of "new-fangled" ideas. If he had had the receptiveness of Gideon Welles, who authorized ironclads, the war might have been terminated much earlier.

<sup>2</sup> The value of greenbacks, measured in gold, fluctuated somewhat (as previously noted), but the general trend was downward to the end of the war. At New York the value (in gold) of a greenback dollar was:

	1862	1863	1864	1865
January	98	69	64	46
July	87	77	39	70

During the same period butter advanced from twenty to fifty-five cents per pound, and sugar from seven to nineteen cents. Much of the difference represented deflation in the value of the greenbacks, but a great majority of the people were dependent either upon wages or salaries, both of which lagged far behind the advance in living costs. Profiteering greatly boosted prices for some commodities. For example, in 1863 whiskey sold in New York for thirty-nine cents a gallon. Three years later it cost six and a half times as much. Naturally it was the professional groups, such as clergymen and teachers, whose relative status suffered most under the changed conditions.

*Labor  
problems*

Wages, as indicated above, did not keep pace with rising prices. At the end of the war real wages were about one-third less than at the beginning. The use of cheap immigrant and Negro labor, together with the introduction of machinery, help explain the lag. Privation and unrest were reflected in a great increase in strikes after 1863 and in the formation of numerous local and national unions. The Brotherhood of Locomotive Engineers, the first of the four great railway unions, dates from 1863. By 1866 at least ten national unions were in existence.

*Crime*

War tends to bring out the heroic qualities in mankind; it also makes heavy assaults upon customary standards of morality. Metropolitan newspapers commented freely upon a great increase of drunkenness, debauchery, and crimes of violence. Politicians protected vice as never before, and "painted ladies" haunted cities and army camps. Soldiers sometimes engaged in bloody brawls, and intoxication and profanity were common both in the army and among the civilian population.

*The relief of  
suffering*

For the Union soldier's comfort and health the government made greater provision than in previous wars; but without private aid the sum total of his hardships must have been appalling. With a fine spirit of sacrifice the average American contributed to the work of relieving the suffering of army life. Most outstanding among private organizations was the United States Sanitary Commission—an auxiliary to the Army Medical Corps and forerunner of the International Red Cross—whose activity covered almost every conceivable type of field work and hospital service. Its funds were raised by churches, private contributions, and "Sanitary

Fairs." At such a fair in New York (1863) \$1,000,000 was raised. Many a Confederate who was found on the battlefield received merciful aid from the commission. A companion organization, the Christian Commission, attempted to serve the soldier's spiritual



METROPOLITAN SANITARY FAIR

*From Frank Leslie's Illustrated Newspaper, April 23, 1864*

needs. Heading the feminine nursing service was Dorothea L. Dix, who was commissioned Superintendent of Women Nurses. She blasted the hopes of many a potential angel of mercy by banning youth and beauty, but directed a service matched only by the devotion of Southern women.

In striking contrast to the prevailing Northern conditions, the South experienced all the hardships of a beleaguered nation. Partly because of currency inflation and partly because of scarcity in such necessities as medicines, salt, leather, and wool, the price of many commodities had reached unprecedented levels by the fall of 1861. Conditions in general became progressively worse thereafter. The blockade grew ever tighter, the Mississippi was

*The  
beleaguered  
South*

closed, Union forces occupied important areas, transportation broke down, and defeatism finally did its work.

Strenuous efforts were made to produce essential war materials. There were no arsenals in the South when war began, and only two small powder mills, privately owned. Window weights were melted for lead, church and plantation bells were cast into cannon, preserving kettles became cartridge caps, and squads of men boiled dirt from beneath old stables to secure saltpeter used in making powder. Until the end a great share of Southern arms, notably artillery, was secured on the battlefield.

*The food  
problem*

Thrown upon its own resources, the South produced staple food-stuffs in amounts sufficient for its needs. Labor remained adequate, for the slaves carried on much as usual unless the excitement produced by a near-approaching Union army proved irresistible. But poor transportation, chiefly because of the breakdown of railroads, helped produce famine conditions in places but little removed from an abundance. Heartless speculators increased the hardships by hoarding for a rise in prices, thus encouraging food riots in Atlanta, Richmond, and other cities. When a tax in kind was levied, these same speculators paid in mildewed grain.

Legislative efforts to stop speculation and to hold down prices were futile. In every state relief laws were enacted to aid the needy families of soldiers. The problem was most acute in Virginia where the people had to assume a major share of the responsibility of feeding Lee's army, and where warfare devastated crops repeatedly. Townspeople who lived on fixed incomes were suffering as early as 1862. With increased inflation their plight became pitiable. In 1863 butter sold for \$5 per pound in Richmond; a year later a spool of thread cost as much. In January 1865 flour sold for \$12.50 per barrel. Needless to say, most people bought the cheaper meal at \$1.00 per bushel. Substitutes for luxuries, and even necessities, became the rule. Molasses was commonly used for sugar, parched corn or rye for coffee, ashes from corn cobs for soda, thorns for pins, buttons were made from gourds. Coffee was a rare luxury, tea hardly to be seen, and ice not to be had at any price.

*Salt*

For salt there was no substitute. In the entire South there were few sources of supply outside southwest Virginia. When the

blockade became effective the price rose to \$35 a bushel. While Butler commanded at New Orleans, bags worth \$1.25 would bring as high as \$100 when slipped through Union lines beyond the bayous. The Confederate government, as well as counties and states, made provision for operating salt springs. Because salt was indispensable as a meat preservative it proved an important factor in the hardships of the civilian population as well as the army. Some minor military campaigns were waged for the possession of the Virginia salt works, which the Federals destroyed in 1864.

The direst need was for medicines. Because the North placed them on the contraband list much smuggling was done—often *Medicine* by women who could conceal considerable quantities in their voluminous clothing—but the supply was tragically inadequate. For quinine, the great defense against malaria, dogwood was used. Poppy seeds were planted in an attempt to produce laudanum and opium, and so on. With bitterness Southerners condemned the North for denying the opiates which might have relieved the agony of surgery for many an unfortunate.

Contributing materially to the dearth of many necessities was the blockade. But not before 1865 was the Northern navy able to stop more than a fraction (perhaps one in five) of the small, swift, usually English-built blockade runners operated by men with sporting instincts and a keen nose for profits. *The blockade* Plying between British colonial ports (chiefly Nassau) and Charleston, Wilmington, or some other Southern port, they timed their runs to the weather and the tides, misled Northern war vessels by using their signals, placed their trust in speed and cleverness, and melted into the mists and ocean whitecaps or sneaked into the waterways of the coast. Profits were frequently as high as 500 per cent. A round trip might pay for vessel and cargo with a tidy profit besides. Goods entering the Confederacy—hospital stores, clothing, munitions, provisions, and luxuries—were valued at a fifth of a billion dollars. The railroad from Wilmington to Richmond carried the blockade-run goods which constituted one of Lee's principal sources of supply.

Interested chiefly in profits, blockade runners carried many luxuries for which there was a great demand in cities. Thus *Southern extravagance* foreign fabrics were freely displayed when soldiers were dying



from lack of medicine. Profiteering and speculation, usually connected with blockade-running, gave to the South a limited group of *nouveaux riches* who in Richmond, most notably, indulged in vulgar display. Indeed the capital city presented an appearance of gaiety to the end. Insisting that the soldier must have a respite from the grim realities of war, young women danced by night and attended the wounded by day. Parties toward the end of the war were usually of the "starvation" variety.

*Upper class  
sacrifices*

The upper class, which had most at stake in the Southern cause, put everything into the struggle—and lost nearly all it possessed, including a disproportionate share of lives. Gentlemen up to sixty-five or more rarely avoided service if able to shoulder a musket. Feminine disfavor in the rear was often as formidable as the enemy in front. In the North wealthy men need not necessarily lose social standing by hiring a substitute. Lee's sons served under him in the army; Lincoln's son was sheltered in college almost to the end.

*The role of  
Southern  
women*

The South had no more dauntless defenders than its women; none who hated the "Yankees" so cordially; none who felt the bitterness of defeat so keenly or for so long. They were the last "unreconstructed" Southerners. The service and devotion of Northern women was more than matched by their Confederate sisters who successfully took over the management of plantations, directed a multitude of activities connected with the changed regime, and labored heroically to supply their soldiers with the clothing and blankets which the government failed to provide. The selling of jewelry and plate to aid the cause was not uncommon. Some women even cut their hair, thinking it might be sold through the blockade; others smuggled quinine and morphine through the lines, a few of them dying in Northern prisons.

*Refugees*

A tragic feature of Southern life was "refugeeing." Advancing armies and the devastation following Union troops forced thousands of women and children to flee with such scanty belongings as they might carry, sometimes on a lonely night trek through a region infested by outlaws. Their hardships and privations were extreme; their endurance a high tribute to their courage and devotion to a cause. Many localities far removed from the main theater of warfare experienced the disruptive effects of raids. In

a single year Huntsville, Alabama, suffered twenty-one of them.

A grave problem for the South—one that still rouses bitter sectional disagreement—was the burden of caring for Union prisoners. The first clash came in July 1861, when President Davis learned that Lincoln's government, refusing to concede belligerent status to the Confederacy, was holding prisoners charged with "piracy and treason." Davis informed Lincoln that prisoners in his hands would be accorded the same treatment meted out to Confederates in Northern possession. Finally, in February 1862, because of the great number of soldiers in Southern prisons, a cartel for the exchange of prisoners was signed. Complications, disputes, and charges of bad faith followed, with the result that the system broke down in 1863. Thereafter, until January 1865, when the end of the war was in sight, exchanges were confined to a few sick prisoners. A source of much bitterness in the South was Grant's refusal in the spring of 1864, and until January 1865, to make any exchanges except on conditions which Davis' government could not accept. Repeated Confederate offers of even exchange, man for man, were refused by Grant. It was a cruel war measure but one of decided advantage to the North.

*Exchange of  
prisoners*

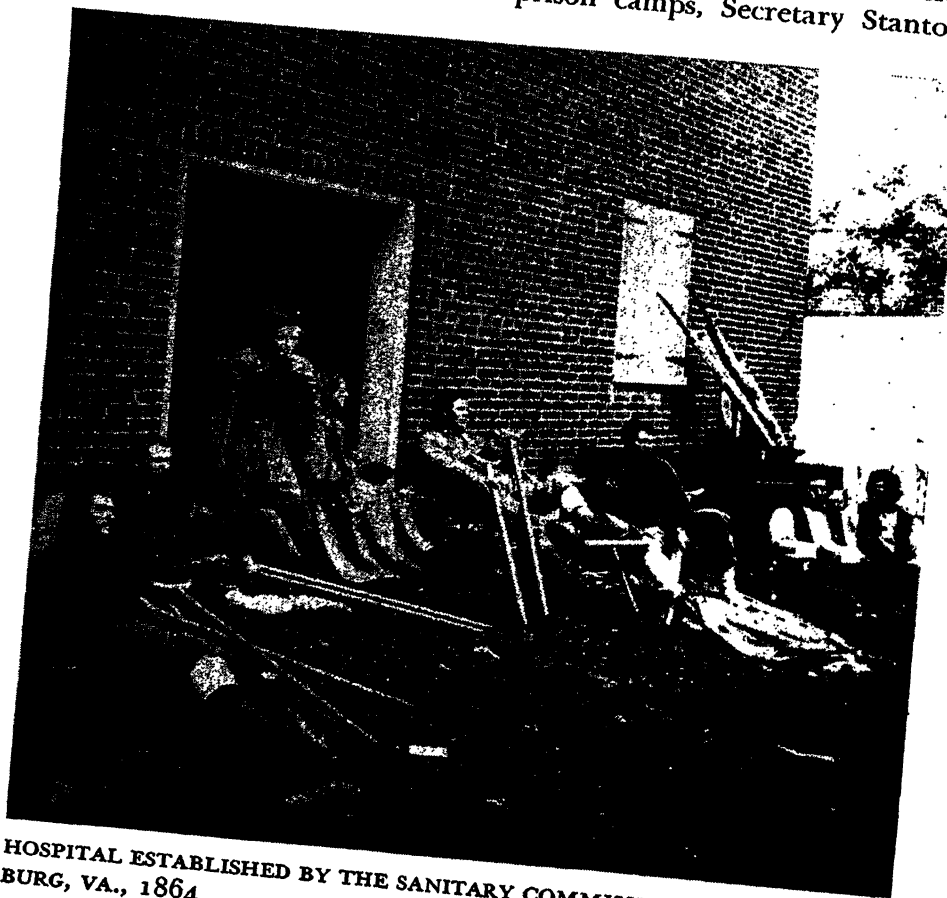
Deducting the number of those paroled at the time of capture, the South attempted, during the course of the war, to care for nearly 200,000 prisoners; the North somewhat more. Toward the end of the struggle, when the South was straining its resources to provide for a ragged starving army, prison conditions became unspeakably bad. Andersonville, Georgia, the largest prison camp (a mere log stockade surrounding twenty-six acres) was opened in 1864. At one time it contained over 31,000 men. Prisoners' graves in its cemetery number 12,912.<sup>1</sup> The horrible conditions there and elsewhere must be understood in terms of Southern economic breakdown. Prisoners were given regulation army rations, so far as possible, but they could not endure the food on which Lee's men marched and fought. Southerners could not forget that Grant would not exchange prisoners and that the embargo kept out the medicines which might have relieved their

*Prison  
conditions*

<sup>1</sup> After the war ended, the commander of the prison, Henry Wirz, was tried and condemned by a military commission. His execution was a concession to the Northern demand for revenge.

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suffering; nor could Northerners forget the harrowing tales of "willful" Southern cruelties. In 1863, because of the atrocity stories coming from Southern prison camps, Secretary Stanton



HOSPITAL ESTABLISHED BY THE SANITARY COMMISSION AT FREDERICKSBURG, VA., 1864

*From a stereopticon view in the Meserve Collection. Courtesy of Mr. F. H. Meserve*

ordered a reduction of rations in Northern prisons, with a resulting heavy increase in mortality. Be it said that the North could never plead inadequate supplies in defense of its harsh treatment of prisoners. The total of prison deaths North and South approximately balanced.

The spirit-crushing torture of rotting in a prison camp was but one aspect of the seamy side of the war. Unsanitary camp conditions reduced physical fitness and greatly increased the number of preventable deaths. Pneumonia, smallpox, typhus, and "camp fever" took their toll. In the Union army two died of disease for every one that died of wounds. After battle anything from a mansion to a cow-shed served as a hospital.<sup>1</sup> Under such conditions doctors and surgeons of every degree attempted administration. Because gangrene set in quickly the common rule was amputation. Doctors were not immaculate "men in white." They more nearly resembled butchers plying their trade, and in the midst of so much suffering were sometimes as calloused. After Gettysburg arms and legs were carted away by the wagon load. When the war was over thousands of unburied bodies polluted swamps and woodlands, and whitened bones marked many a road and hillside. The unknown dead exceeded those killed in battle. Mud and mosquitoes, rags and stench, rats and fleas, lice and syphilis! All this, and more, is not romantic—as the bugles, the waving banners, and the dashing cavalry—but it too was war.

*The drab  
side of war*

Propaganda also played its part. Atrocity stories were circulated from the beginning in both sections and helped poison the civilian mind. In the North such activity was even coordinated under official direction. The Union League and the Sanitary Commission were active agencies in the dissemination of knowledge concerning "rebel depravity"—Confederates kicking about the severed heads of fallen Union soldiers and Southern women wearing rings made from their bones! In the South the "savage ferocity" of Union troops in their conquest for "beauty and booty" was so widely believed that "Yankees" and the Devil were considered kindred spirits. To the lasting credit of the soldiers—those who did the fighting—"Yankees" and "Rebels" alike commonly had much higher respect for one another.

*Propaganda*

<sup>1</sup> The hospital on Chimborazo Hill, Richmond, was the largest in the land. It received no support from the Confederate government, although it cared for 76,000 patients. With a mortality of less than ten per cent, it was a great monument to its director, Doctor James B. McCaw. The second largest was Lincoln Hospital at Washington—45,000 patients.

## Chapter Forty-Six

### FROM FREDERICKSBURG TO APPOMATTOX DECEMBER 1862—APRIL 1865

*Lee's army  
strengthened*

WHEN the exhausted and disorganized remnants of Lee's Army of Northern Virginia recrossed the Potomac after Antietam, the North confidently expected McClellan to follow and complete the work of destruction. But habitual caution, as well as inadequate supplies, held him back even after Lincoln ordered him (October 6) to advance and give battle. Finally on October 26 he did cross the river, and a week later was in readiness for a stroke. The delay had given Lee precious time in which to rest, feed, and clothe his men. As late as November, it is true, thousands of his men were still barefooted, and an outbreak of hoof-and-mouth disease seriously impaired the effectiveness of the dwindling army mounts; but his command had risen to 70,000, and spirits were high. Again (October 10-12) "Jeb" Stuart had fired Southern imagination by encircling McClellan's army—eighty miles in twenty-seven hours—bringing in 1200 fresh horses, and also the above-mentioned hoof-and-mouth disease. The Confederate use of mules and plowhorses at Gettysburg (1863) was necessitated in part by this calamity.

*Burnside  
succeeds  
McClellan*

Meanwhile McClellan had brought his army to the peak of condition; but in the eyes of Lincoln he had committed an unpardonable blunder in permitting Lee to get between him and Richmond. By order of November 5 McClellan was removed, and a be-whiskered fighter, Ambrose E. Burnside, was substituted. McClellan never again served in the field. It was one of Lincoln's worst mistakes. "Little Mac" was a soldier's soldier who was almost idolized by his men. Lee considered him the greatest general "by all odds" whom he ever faced. It was a near-mutinous

army that followed the loyal but unwilling Burnside to the shambles at Fredericksburg in December.

Both McDowell and Pope had failed in direct overland movements toward Richmond—maybe there would be charm in a third trial. Before Burnside could cross the Rappahannock by constructing pontoons, Lee had taken a strong position on the heights along the south and west bank of the river behind Fredericksburg. There, on the morning of December 13, shivering Confederates awaited the impending assault which was launched about noon at several points along the line. The main objective was Mayre's Heights overlooking the town. Massed Federal infantrymen in splendid formation advanced across open ground toward the heights, at the foot of which was a sunken road flanked by heavy stone walls. Again and again, until nightfall stopped Burnside's mad determination, the lines of blue surged toward the road, only to be hurled backward over accumulating heaps of dead and wounded. Confederates cheered the brave men who rushed to certain death, then literally mowed them down in windrows. At nightfall the ghostly light of a brilliant aurora borealis seemed to reflect the blood of the thousands who had fallen below the heights.<sup>1</sup> Burnside planned to resume the suicidal action the following day, but was dissuaded by his officers. On the night of the fifteenth he withdrew to the north side of the river.

*Fredericks-  
burg,  
December  
1862*

Mingled grief and rage swept the North. Christmas was a season of gloom. Attacks upon the brooding President were redoubled. The unpopularity of his Emancipation Proclamation and the suspension of habeas corpus had been instrumental in Lincoln's loss in the fall elections of every state west of the Hudson. Many men who were willing to fight to save the Union had no intention of risking their lives to free the slaves. Radical Republicans in the Senate, eager for Seward's scalp and hoping to limit the powers of the President, forced the most dangerous cabinet crisis during the war. In London, Charles Francis Adams was snubbed and elbowed about at official balls. Burnside was

*Reaction in  
the North*

<sup>1</sup> Burnside's total strength before the battle was about 125,000; his losses, about 12,600. Lee's strength was 78,000, although only one-fourth was engaged. Confederate losses were about 5300.

asking that some of his ablest commanders be removed—his own soldiers wanted no more of him. Lincoln met the cabinet crisis with his usual artistry, and tolerated the luckless Burnside until he had floundered for several days in a hopeless “mud march” along the Rappahannock.

*Hooker in  
command*

On January 25, 1863, General Joseph Hooker became the new head of the Army of the Potomac. Lincoln besought him not to be rash, but produce victories. Hooker was willing. Reorganizing his army of 130,000, he crossed the Rappahannock above Fredericksburg late in April, and started boldly toward Richmond by way of Chancellorsville. To his officers he announced: “My plans are perfect . . . may God have mercy on General Lee, for I will have none.”

*Chancellors-  
ville, May  
1863*

For Lee the unusually cold winter had been discouraging. There had been little food for his army, and forage was so scarce that the cavalry had been sent to the rear.<sup>1</sup> As Hooker penetrated the “Wilderness”—a desolate region of briar-tangled woodland in which a clearing with one residence, called Chancellorsville, was located—Lee resorted again to the clever strategy of the second Manassas. With less than half as many men as Hooker commanded, he divided his forces in the face of the enemy—insane strategy had Lee not known his opponent—sending Jackson off on a flanking movement to attack Hooker’s right west of Chancellorsville. After fourteen hours of marching, Jackson’s corps struck with irresistible fury shortly before sundown, May 2, rolling up Hooker’s right. Lee attacked from the east. After three days of fighting in the tangled thickets, Hooker was glad to withdraw across the Rappahannock, leaving the field to Lee. “Fighting Joe” had been in a dazed condition at least part of the time, stunned by a porch column felled by a cannon shot.

*Death of  
Jackson*

Chancellorsville was one of Lee’s greatest victories, but it had been won at terrible cost. Jackson, riding beyond his lines in the dusk (May 2), was shot, probably by his own men, and died eight days later. Lee could never replace him. His “right arm” was lost.

Fighting always with a smaller army than his opponents, Lee

<sup>1</sup> Longstreet, with two divisions of his corps, was south of the James. Lee finally ordered him to fight or return. He did neither until after Hooker was beaten.

had won victories and might still hope to win others; but mere victories were not ending the war. He could read the warnings of approaching ruin to the Southern cause unless a decisive blow could be struck. Thus he decided upon another offensive into the North—the offensive that ended at Gettysburg.

*Lee plans to  
invade the  
North*

One reason for this invasion was the hope that Lincoln would call troops from Vicksburg, where Grant with bull-dog tenacity was crushing the last resistance to Union control of the Mississippi. Soon after the fall of New Orleans in April 1862, Vicksburg was made the strongest Confederate position on the great river. Situated on bold bluffs, the city was highly defensible. Its strong batteries, commanding the two wings of a sharp bend in the Mississippi, proved to Farragut and Porter (May–June 1862)

*Importance  
of Vicksburg*

BATTERY D, FIFTH U. S. ARTILLERY IN ACTION, FREDERICKSBURG, VA.,  
MAY 1863

*From the Meserve Collection. Courtesy of Mr. F. H. Meserve*



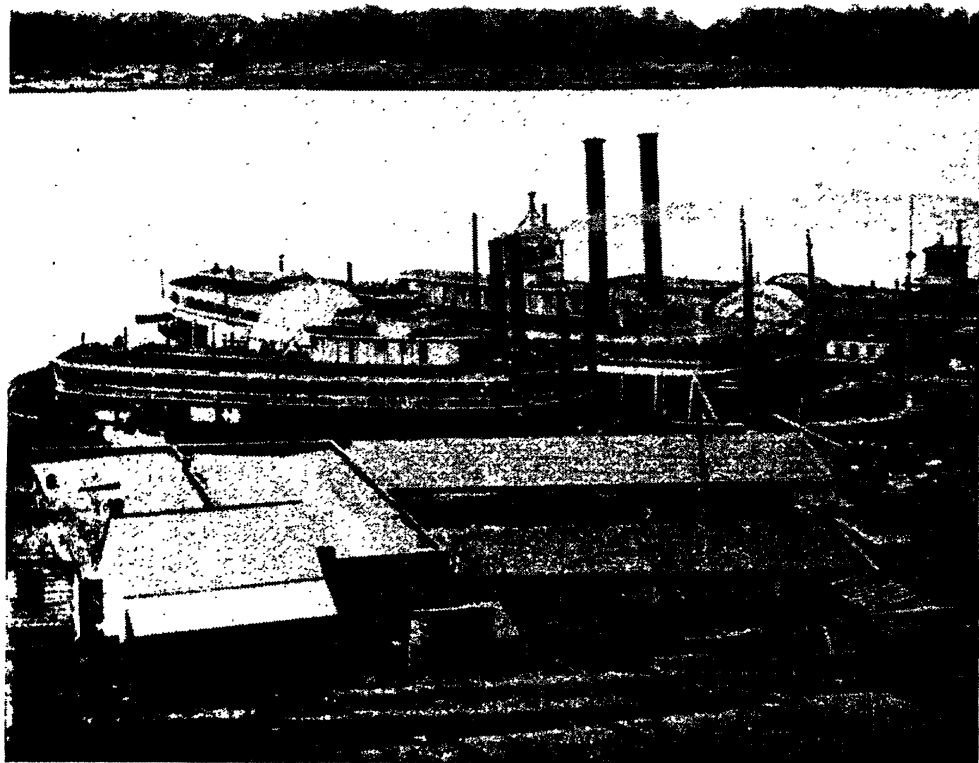


that a river assault was foolish. To the north was an almost impossible maze of swamps and bayous, flanked by the steep Walnut Hills. J. C. Pemberton stood ready with an army of about 40,000 to beat off all attacks. Short of a miracle, only from the east and south might an army approach the city. Memphis fell in June. Vicksburg and Port Hudson remained in Confederate hands, and between them soldiers and supplies—Louisiana sugar, European arms by way of Mexico, and beef from Texas—came eastward to bolster Southern needs. Many Southerners considered Vicksburg second in importance only to Richmond.

*Grant fails to take the city* In order to cut off these precious supplies and detach the trans-Mississippi West, Grant launched a campaign against Vicksburg in the late fall of 1862. While Rosecrans entertained Bragg at Chattanooga, Sherman with gunboats and 30,000 men was sent down the river from Memphis for a surprise attack. Grant with similar forces started overland with the intention of approaching the city from the east. Both failed. Grant turned back when his communications were cut; Sherman bogged down in the Yazoo delta area bordering Vicksburg and decided that it was useless to attack from that quarter.

*A change of plans* It was a discouraging beginning, but Grant never learned when he was beaten. The next move was an attempt to divert the course of the Mississippi by digging a canal across the bend. Failing in this ambitious undertaking, he decided to cut loose from his base at Memphis, run the Confederate batteries, march his army along the west bank of the river to an easy crossing downstream, and attack the city from the southeast. It was not orthodox military science, but it worked. In the darkness of a mid-April night the river fleet, with engines stilled, floated silently downstream until spied by Confederate sentinels; then under a deluge of shot and shell gunboats and transports burst through.

*Grant's brilliant tactics* At the end of the month a portion of Grant's army was ferried across the river about sixty miles below the city. With 20,000 men he then struck eastward—living off the country—to prevent Joseph E. Johnston, with 15,000 near Jackson, Mississippi, from joining Pemberton. The Confederate generals bungled. Instead of cooperating, so as to bring greater forces to bear, they permitted Grant to oppose each in a rapid succession of marches and



THE LEVEE AT VICKSBURG, MISS. PHOTOGRAPHED FEB. 1864

*From a stereopticon view in the Meserve Collection. Courtesy of Mr. F. H. Meserve*

battles (Raymond, Jackson, Champion's Hill, and Big Black River), always managing to use superior forces. By May 19 Grant was before Vicksburg whence Pemberton had withdrawn. In eighteen days he had covered 180 miles, fought and won five battles, taken many prisoners and supplies, and trapped Pemberton's army. It was Grant's most brilliant military feat. Once more Northerners talked of his genius rather than his drinking.

After failing in two assaults, Grant settled down (May 22) to

*Vicksburg  
surrenders,  
July 4, 1863*

starve the beleagured city into submission. Reinforced until he had 75,000 well-equipped men, escape for the Confederates was impossible. Guns played continually; Vicksburg's population (about 4500) lived largely underground; hunger and sickness mounted; mules and rats were eaten; ammunition ran low. On July 3 Pemberton abandoned hopeless resistance, and on the next day surrendered his entire army (30,000), which was liberated on parole. Five days later Port Hudson, unable to stand alone, likewise surrendered. The great river was in Union hands, and far-seeing Southerners realized that the Confederacy was doomed. Vicksburg was a triumph of dogged persistence rather than genius, but in the victory-starved North it was hailed as "the most brilliant in American military annals."

*Gettysburg*

On that same "Glorious Fourth," the North learned of Lee's terrible defeat at Gettysburg.

*Lee's motives*

After the death of Stonewall Jackson, Lee was compelled to reorganize his army. Then, before his officers were acquainted with their new duties, he decided to renew the offensive.<sup>1</sup> Southern resources and man power were dwindling; Lee could no longer feed his hungry army on the Rappahannock. The North was disgruntled and tired of war. Now, if ever, the South must win the "early victory" which seemed so necessary a year before.

*Advance into  
Pennsylvania*

With Harrisburg as the farthest objective, Lee swung north-westward, crossing the Potomac above Harper's Ferry on June 25, 1863. Already Ewell's corps was near Chambersburg, Pennsylvania. But where was "Jeb" Stuart's cavalry—the "eyes of the army"? That gallant cavalier had only that day brought his horsemen across the Potomac for his third and last ride around the Union army. Cutting out a wagon train within four miles of Washington and scaring the citizens of Harrisburg was great sport, but it deprived Lee of the invaluable service the cavalry might have rendered during the anxious days that followed. With horses spent, Stuart did not reach Gettysburg until late on the second day of battle.

Hooker, in the meantime, thought the great opportunity had come for a renewed advance on Richmond; but Lincoln had him

<sup>1</sup> Lee's great biographer, Douglas S. Freeman, considers this the major mistake of his entire career.

retreat in order to keep between Lee and Washington. Not until June 28, at Chambersburg, did Lee learn that Hooker was across the Potomac and advancing rapidly. On that same day Lee's old friend, George G. Meade, succeeded Hooker who resigned following a quarrel with Halleck.

*Meade  
succeeds  
Hooker*

On the next day Lee ordered a concentration of all his forces on the eastern slope of South Mountain, a few miles west of Gettysburg, while Meade prepared to await Lee's attack at Pipe Creek, about thirteen miles to the south. But because neither knew just where the other was, the battle was begun on July 1 at Seminary Ridge (just west of Gettysburg) when a portion of A. P. Hill's corps ran into Federal cavalry. Rapidly thereafter the full strength of Lee's 70,000 and Meade's 88,000 was concentrated in the greatest battle of the entire war.

*The armies  
meet*

In the first day's fighting (July 1) General J. F. Reynolds, Meade's second in command, was killed and the Union troops were driven back through the town with heavy losses. But Ewell who arrived opportunely with fresh troops—Stonewall Jackson's old corps—did not take Cemetery Hill, just south of the village, as he might well have done and as Lee directed. Instead, that strategic position was seized by General Winfield Scott Hancock, who took Reynolds' place. But when morning came the Union position was still precarious. The Hill and Cemetery Ridge south of it, together with Culp's Hill, were manned by only a small portion of the Union army. On the parallel Seminary Ridge, about a mile to the west, the Confederates were drawn up in much greater strength.

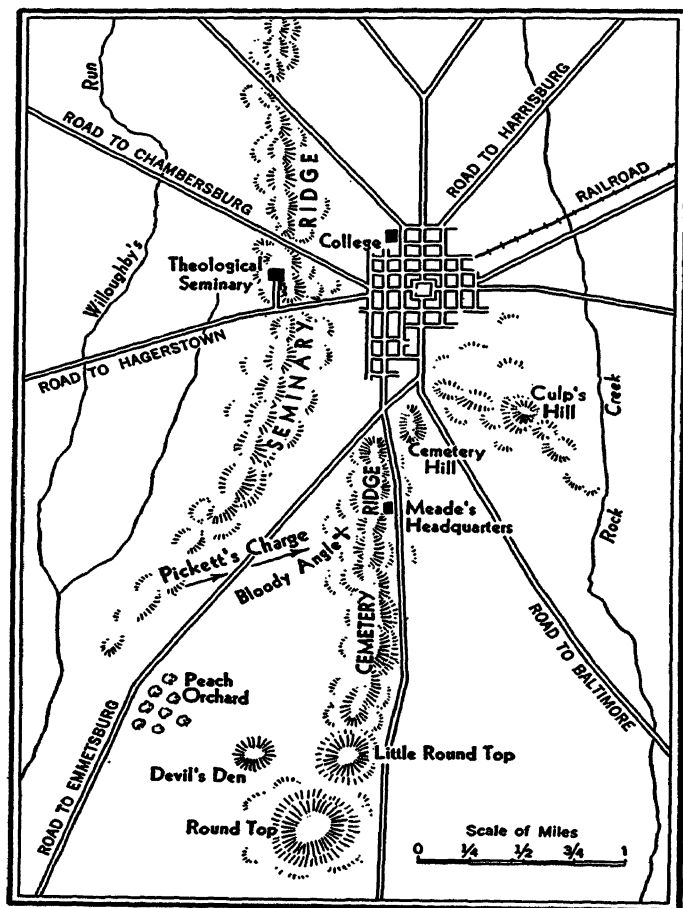
*The first day,  
July 1*

Deciding that he must strike before Meade's forces were fully concentrated in their highly defensible position, Lee had planned an early attack for July 2—a stroke which, if executed, must have ruined both Meade and Lincoln. Longstreet should move at dawn to seize Little Round Top, from which position batteries might rake the entire Union line; Ewell should strike the Union right at Culp's Hill on hearing Longstreet's fire. But "Old Pete" sulked to the point of insubordination.<sup>1</sup> At dawn Little Round

*July 2*

<sup>1</sup>Longstreet had convinced himself before leaving Virginia that Lee had promised not to engage in offensive tactics, and besides he was insistent that Lee should swing around Meade's left in order to get between him and Washington.

Top was unoccupied. As late as 7:00 A.M. the Federals had only 20,000 effectives in all their lines. Longstreet failed to make the attack until about four in the afternoon. It was far too late.



GETTYSBURG

Union troops had massed in great strength and could not be dislodged, although the Confederates were successful at Peach Orchard, Devil's Den, and the highly strategic Culp's Hill. Lee's great opportunity was lost.

Having failed in his attack on the flanks, Lee decided to strike the center on the third day, using Longstreet's corps. Meade

anticipated the strategy and made preparations accordingly, even to posting cavalry in his rear to shoot stragglers who might try to run from the fight.

The third day opened with a bloody encounter in which Ewell was driven from Culp's Hill. Then silence under a blazing midday sun. At one o'clock the Confederates opened with 125 cannons. Union guns blazed in answer, and for an hour and a half the greatest cannonading of the war shook the hills and darkened the sun. Confederate ammunition was running low—the assault must be made or the plan abandoned. General Pickett, whose division had been chosen for the supreme effort of the war, asked Longstreet to give the word. Longstreet strongly had opposed the plan from the beginning. He could only nod assent.

Again the guns were silent. When the smoke lifted, Pickett's 15,000 men—led by Pettigrew, Kemper, the ailing Garnett in an old blue overcoat, and the white-haired Armistead—were advancing across the open valley in perfect formation as if on dress parade. Part way across, the Federal guns opened with shell, tearing great holes in the even ranks; then shrapnel and canister in turn heightened the slaughter, but onward moved the silent men. Such cold courage was too much for the major portion of one Union brigade which fled in terror until turned back by officers. A hundred yards from the stone wall at the crest of the hill, and Federal infantry blazed into action. The Confederates answered with their first volley, and charged with bayonets—above the din the high rebel yell. Onward to the stone wall surged the thinning ranks. Armistead was over, followed by a hundred men. It was the high tide of the Confederacy. Unsupported, the line wavered, then was hurled back. Only the remnants returned to Seminary Ridge.

*Pickett's charge*

General Meade, raised to his command only three days before the fighting began, had the distinction of winning the greatest battle of the war—a victory without planning it. Lee took all the blame for the staggering Confederate defeat—nearly one-third of his army killed or wounded.<sup>1</sup> His fault was in giving too much discretion to his subordinates: Stuart away on a raid; Ewell not attacking; Longstreet's delay countenanced. For a day

*Lee retreats to Virginia*

<sup>1</sup> Confederate losses in the campaign were 23,000. Union losses were 20,000.

Lee stood his ground, expecting a counter-attack, then in a torrential rain—the wounded in jolting wagons without straw—his crippled army slowly retreated to the swollen Potomac. Not until July 13 could a crossing be made.

The North expected, and Lincoln urged, that Meade deliver the *coup de grace* before Lee could escape. Better for the South, perhaps, had he done so. But as a man of honor Lee could not quit so long as thinning ranks of men in tattered butternut and gray were able and willing to continue the struggle. Leading veterans who could wage a losing fight as well as they ever fought a victorious one, Lee could still win battles—battles ending at Appomattox.

Inaction  
after  
Gettysburg

For ten months following Gettysburg, war was stalemated in the East. Lee's time and energy were given to such discouraging problems as finding equipment for an almost wholly shoeless army, grain for weakened horses, soldiers to fill depleted ranks. Lincoln seized the opportunity for a peace offensive. The Middle West was willing to stop fighting, but New England was not; and politicians had axes to grind. To an unsympathetic Congress the tired President proposed compensation for the owners of slaves, and easy terms for the establishment of new Union governments in the Southern states—a peace without victory. It was in this spirit that he restated the Union purpose at Gettysburg, four months after the great battle, when a national cemetery was dedicated to those who there "gave the last full measure of devotion."

Campaigning  
around  
Chattanooga

After the fall of Vicksburg, operations in the West centered on Chattanooga—key to the shortest railroad from the Southwest to Richmond, and gateway to Atlanta, Georgia. Rosecrans, who had succeeded Buell in command of the Army of the Cumberland, managed without battle to maneuver Bragg out of Chattanooga and himself into it by September 9, 1863. Bragg's loss of this vital railway junction evoked bitter criticism; but he was still a favorite of President Davis. Lee sent Longstreet by rail with 11,000 men.

On Chickamauga Creek, about twelve miles south of Chattanooga, Rosecrans' "general pursuit" turned to retreat when Bragg attacked on September 19. With the old "rebel ferocity" Longstreet's men led the assault which drove the Union center

and right from the field—Rosecrans himself caught in the current which swept onward to Chattanooga. But throughout a long afternoon the Union left, under the Virginian, George H. Thomas, beat off repeated attacks, and at night retreated in good order. The "Rock of Chickamauga" was all that prevented a third "Bull Run," or worse.

*Chickamauga,  
September  
1863*

Following the Union army back to Chattanooga, Bragg posted his army on Lookout Mountain and Missionary Ridge, south and east of the town, and complacently sat down to await starvation or surrender of his enemy. So sure was he of the outcome that he dispatched Longstreet up the valley to attack Burnside at Knoxville.

Under the strain of the situation Rosecrans folded up. But before he could work himself into a state of mental collapse, Grant was advanced to supreme command of Union forces in the West. Grant gave the Army of the Cumberland to Thomas, and directed him to hold Chattanooga "at all hazards." Thomas held. Becoming alarmed, Meade sent Hooker with two corps from Virginia. Sherman with the Army of the Tennessee was rebuilding the railroad on his approach from Memphis. Grant himself reached Chattanooga on October 23, and soon opened up a new "cracker line" to relieve the food shortage.

On November 24, Sherman having arrived, Grant launched an offensive. The advantages in men were with the Union—three to two—and Grant had the assistance of Thomas, Sherman, Hooker, and Sheridan. While Sherman attacked the north end of Missionary Ridge, Hooker struck at Lookout Mountain, driving out a few Confederates—the "Battle above the Clouds." In the late afternoon of the second day, November 25, Bragg's forces were still strongly concentrated on Missionary Ridge. Two of Thomas' divisions were ordered to create a diversion for Sherman by taking the rifle pits at the foot of the mountain. This they promptly did; then without orders fought their way to the top of the steep ridge, routed the Confederates, and turned their own guns upon them. It was one of the really decisive battles of the war.

*Lookout  
Mountain  
and  
Missionary  
Ridge*

Bragg retreated into Georgia, and Longstreet returned to Virginia. An enthusiastic Congress restored the rank of lieutenant-general, and on March 9, 1864, Lincoln conferred it upon Grant,



*Grant made  
general-in-  
chief*

together with the command of all Union forces. The new General-in-Chief arrived in Washington on March 8. First impressions were not flattering. Compared with the ordinary run of pompous political generals, the small, rather drab Western hero with his endless cigars was not reassuring. But he went about his work with quiet confidence that brought great relief to Lincoln—Lincoln, grown weary of his long search for a man who could overcome Lee.

*His plan  
of campaign*

Grant decided upon a general plan of strategy tempered by the exigencies of politics no less than military problems. For politics were not suspended "for the duration." Indecisiveness and lack of unity had encouraged peace movements to such an extent that Grant felt impelled to win the war in the shortest possible time regardless of the cost. His purpose, therefore, was to hammer away ceaselessly at Lee's army, thus not only protecting Washington by throwing Lee on the defensive, but at the same time keeping him engaged so continuously that there would be no time for recuperation—no opportunity to use the same troops in different places—no chance to re-create precious supplies. If such campaigning should entail a heavy toll in men, Lee also would suffer, and Lee could not replace his losses. Grant could. For this same reason there should be no exchange of prisoners.

Grant's determination to keep Lee engaged and fixed in Virginia was but a part of his grand strategy. The most important other phase gave to Sherman the spectacular task of swinging into the South behind Lee, thus cutting off supplies so the campaign of attrition would break Lee's power of resistance. Let us first follow the fortunes of Sherman.

*Sherman's  
Atlanta  
campaign*

After Chattanooga, Atlanta was the obvious Union objective. That busy city was a railway junction, the gateway to a rich agricultural area, and the most important center for the manufacture of war supplies outside Richmond. Grant supplied Sherman with 100,000 seasoned veterans, and in early May 1864 the advance began.<sup>1</sup> Between Sherman and Atlanta, 140 miles away, was Joseph Johnston (Bragg's successor) with about

<sup>1</sup> Sherman had an equal number to defend his line of communications and protect supply depots in the rear. It was this service behind the lines that made Sherman's success possible.



U. S. GRANT



W. T. SHERMAN

*Both illustrations from the Meserve Collection. Courtesy of Mr. F. H. Meserve*

53,000 men.<sup>1</sup> Johnston's wise strategy was to fight only when he could inflict greater losses than he sustained; retreating only after Sherman had expended much time and energy in making a given position untenable, and destroying the railroad as he retreated. But Sherman's engineers repaired the road almost as fast as it was torn up, and he pounded incessantly toward Atlanta. Severe engagements were fought at Resaca, New Hope Church, and Kenesaw Mountain.

By July 9, Union forces had reached the Chattahoochee, about six miles from Atlanta. Georgia was demanding a general who would fight. Davis yielded to the criticism of Johnston, and on July 17 the knightly but less competent J. B. Hood succeeded him.

<sup>1</sup> President Davis finally had been compelled to recognize the incompetence of his favorite, Bragg.

fall of  
Atlanta,  
September  
1864

To Sherman, who crossed the Chattahoochee on that same day, the change was gratifying. On July 20 Hood fought the first of his losing battles (Peach Tree Creek), and Atlanta experienced the ghastly horror of war at close range. As Sherman spread his lines about the city, Hood finally abandoned the hopeless defense (September 1) and managed to extricate his army. Sherman entered on the following day, and expelled the entire population. As he explained, the homes were needed for his army, and he did not care to see the people starve under his eyes. "If they want peace, they and their relatives must stop the war."

The loss of Atlanta was a terrible blow to the South and a god-send to the North. It probably meant the reelection of Lincoln; it made hopeless the condition of Lee's army in Virginia, slowly reaching exhaustion.

Thomas  
destroys  
Hood's army

Strapped to his horse, Hood left Atlanta, and took the desperate chance of cutting Union communications in Tennessee in the hope of drawing Sherman after him. But that doughty warrior merely sent Thomas with a strong force to follow him. At Franklin, Tennessee, Hood suffered a costly repulse, November 30, 1864. He then besieged the Union army—more than twice as large as his own—which had retreated into Nashville. The North grew impatient and demanded action. Grant sent a man to replace Thomas. Just before he could arrive, Thomas, having completed his preparations, struck with such fury (December 15-16) that Hood's army was scattered. Only a fragment of the forces Johnston had turned over to Hood was able to escape. Confederate military strength in the West was spent. Thomas is the militarist's favorite among Union generals. But, being a Virginian, he had no congressmen sounding his praises. Posterity has given him an honored place among the soldier great.

Once in possession of Atlanta, Sherman conceived the bold plan of breaking his communications and, with 60,000 picked troops, of cutting a wide swath of destruction to the sea. He knew the country abounded with provisions that could not reach Lee's hungry men. He would "make Georgia howl," make Southerners sick of war, and prove to Europe and the Confederate government that further resistance was useless.

In mid-November, with bands playing, he burned Atlanta—he

had no further use for the homes of its exiled population. Then to an army that needed no encouragement he issued an order to "forage liberally." If any obstruction of roads were offered, destruction should be "more or less relentless." The weather was ideal. Almost no resistance was found, and the march to the sea was in the nature of a grand holiday thoroughly enjoyed by the soldiers. "This is the perfection of campaigning," said Sherman.

*From Atlanta  
to the sea*

Unfortunately, many of the soldiers were conscripts, including riff-raff and even criminals—"bummers" who seemed bent on justifying the worst opinion Southerners had formed of Yankees.<sup>1</sup> Relatively little personal violence was indulged, but railroads, mills, and cotton gins were systematically demolished. Horses, cattle, hogs, poultry, standing crops, and stores of provisions—everything that was useful to the Confederacy—were taken or destroyed. Looting and downright vandalism were common. Many a treasured heirloom started on its way to the North. By day the rising smoke from burning homes marked the path of destruction; by night merry campfires symbolized the helplessness of the South. Sherman estimated the damage done to Georgia at \$100,000,000, four-fifths of which was "simply waste and destruction." That Sherman's method of ending the conflict was less ghastly than battles is not open to question. But, to the Southern mind, waging war upon defenseless civilians was beneath contempt, and Sherman's name became an odious byword.

*A path of  
destruction*

After being lost to the outside world for a month, Sherman turned up at Savannah. Resistance there was broken in time for Sherman to present the city to Lincoln as a much-appreciated Christmas gift. On the first of February the victorious Federals moved northward into South Carolina—chief offender in producing the war, according to Northern thinking—and there the army outdid itself. Halleck had written: "Should you capture Charleston, I hope by *some* accident the place may be destroyed. . . ." Sherman replied that he would bear the "hint" in mind. He missed Charleston, but burned thirteen towns en-

*A Christmas  
present,  
1864*

<sup>1</sup> Most of Sherman's higher officers deported themselves as gentlemen; but there was general agreement among them that the cavalry commander, Judson Kilpatrick, set a thoroughly demoralizing example for his men.

*Columbia  
burned*

tirely or in part. In addition, without orders from Sherman, Union soldiers spread fire in Columbia, the state capital.<sup>1</sup> It was an apt climax for the orgy of destruction which lax discipline had abetted since leaving Savannah. In the Ashley valley every mansion, save Drayton Hall, was ruined. Stark chimneys—"Sherman's Sentinels"—long afterward marked the army's path.

*Grant  
advances*

As previously noted, Grant's plan of operations in Virginia called for a concerted movement against Richmond. He would take personal charge, accompanying Meade and the Army of the Potomac. B. F. Butler with about 36,000 should advance on Petersburg from Fortress Monroe, while Franz Sigel was to dash up the Shenandoah. Butler quickly demonstrated his thorough incompetence when he allowed himself to be "bottled up" at Bermuda Hundred by a handful of Confederates. Sigel was stopped after making a slow start, and was succeeded by David Hunter.

*The  
Wilderness,  
May 1864*

Grant, with well over 100,000 men, crossed the Rapidan, May 4, 1864, hoping to pass through the Wilderness before engaging in battle. But Lee seized the opportunity of forcing battle where the Union two-to-one superiority in both men and artillery might be minimized. So in the tangled woods where protruding skeletons marked Hooker's defeat, Lee repeated the tactics of a year before, and the Union attack (May 5) was met with such fury as Grant had never known. The Union cause was desperate—Grant was considering retreat. But Longstreet, late as usual, did not arrive until the second day. The horror of the confused and desperate fighting was enhanced by fires which produced dense smoke in the tangled growth and burned to death many of the wounded.

*Spotsylvania*

In the two days of battle Grant had lost 18,000 men, but to the surprise of the Confederates he did not stop to lick his wounds. Attempting to flank Lee, he found the Confederates in his path at Spotsylvania Court House, and there a five-day battle (May 8-12) cost him an additional 17,000 men. While the battle was in progress, "Jeb" Stuart was straining his poor mounts

<sup>1</sup> The conflict still rages over the responsibility for the burning of Columbia. Years afterwards, Sherman admitted that in his official report he had deliberately and dishonestly charged Wade Hampton with responsibility. The embers of burning cotton and a high wind seemingly figured in the destruction.

to stop Sheridan's cavalry raid on Richmond. At Yellow Tavern, seven miles north of the city, Stuart succeeded in his purpose but lost his life. It was just a year and a day since "Old Jack" led the way into the unknown. The loss of the "eyes of the army" was a great blow to Lee, who considered Stuart his "ideal of a soldier."

Heavy losses did not deter Grant. Lives were cheap. In March, Lincoln had called for 700,000 volunteers—Lee could not hope to command 65,000—so Grant was determined to win by attrition if no other way was possible. "I propose . . . to fight it out on this line if it takes all summer," he declared. He pushed on to Cold Harbor, near the Chickahominy where McClellan's army had been two years before when Lee began the "Seven Days" battles. To prevent flanking, Lee had extended his thin line for a distance of six miles. Grant believed he could break through the center. His final assault, June 3, was a more ghastly mistake than Fredericksburg. Union soldiers made the charge with their names written on strips of paper pinned to their clothes, that their dead bodies might be identified. Upwards of 7000 fell in less than half an hour. Confederate losses were slight. Not for three days would Grant ask for a truce to care for the wounded that covered the ground between the lines. By that time the pitiful cries of the dying were stilled.

*Cold Harbor,  
June 1864*

One month of fighting since Grant crossed the Rapidan had cost the Union nearly 55,000 men—almost as many as Lee's entire army. Grant's officers were complaining; people were calling him "Butcher Grant," and abusive politicians were seeking Lincoln's scalp in the coming election. But the weary President did not lose faith in his fighting general, and continued to supply him with all the men, food, and equipment that he required.

On the other hand, Lee managed with difficulty to maintain an army about half as large. Worse still was the hopelessly inadequate volume of supplies. Growing hunger—almost unbroken, and doubly frightful during the days of continuous fighting—was the great enemy, more feared than Grant. Lee's only hope was to resist until Northern war-weariness might call a halt.

For over a week after Cold Harbor, Grant faced Lee's army. Then, as Lee expected, he slipped away unmolested across the

Grant crosses  
the James

James—the same strategy McClellan had executed. Grant had changed his mind about fighting it out on a given “line,” but, unlike McClellan, he was not removed from command. Lincoln had learned from costly experience to leave the conduct of war to professional soldiers. Lee moved by shorter lines to Petersburg, where desperate fighting (June 15–18) halted the Union army surging toward Richmond. The two armies then “dug in.” Grant settled down to the tactics which forced the surrender of Vicksburg, and awaited the outcome of Sherman’s inexorable advance toward Atlanta.

Petersburg  
besieged,  
June 1864

Men used to campaigning in the open loathed the trenches, the heat and the filth, the dust and the mud. Sickness mounted. Union soldiers, under Burnside’s direction, improved the time by digging a 500-foot tunnel. Early on the morning of July 30 they set off 8000 pounds of powder under the Confederate line. It was the awe-inspiring signal for an assault which was countered by Confederate fury, doubly intense because black soldiers were used against them. Burnside’s “brilliant” strategy had proved a flat failure.

Early’s raid  
on  
Washington

Meanwhile a movement which was destined to make the rich valley of the Shenandoah useless to the Confederacy was on foot. After Cold Harbor, Lee detached Early’s corps which drove David Hunter’s forces into West Virginia. Two years earlier Stonewall Jackson had ruined McClellan’s Peninsula campaign by a dash toward Washington. Early would repeat the play. On the anniversary of Gettysburg he was at Winchester with 15,000 veterans heading northward for a raid across the Potomac. A week later near Frederick, Maryland, Lew Wallace gave battle with such “odds and ends” as he could muster, costing Early the loss of a day and possibly saving Washington. For when Early was only five miles from the Capital (July 11) several Union divisions detached by Grant from the Army of the Potomac arrived in the city. Early had no choice but to retreat, and Lincoln was spared the necessity of fleeing down the Potomac on a vessel hastily prepared by the Navy Department.<sup>1</sup>

<sup>1</sup> Later in the same month Early sent a detachment of cavalry to Chambersburg, Pennsylvania, to demand a contribution of \$100,000 in retaliation for Hunter’s wanton destruction of homes and crops in the Shenandoah. Chambersburg did not pay, and so was burned, July 30. It was the sort of action that later characterized Sherman’s advance through Georgia.

Determined to put an end to the nuisance of the Shenandoah, Grant sent Sheridan with a large force and with instructions to devastate the Valley. Outnumbering the Confederates two to one, he defeated Early in two engagements (Winchester, September 19, and Fisher's Hill, September 22), and then systematically burned, destroyed, or carried away mills, barns, livestock, and grain—a campaign of destruction so complete that, as he said, “a crow flying over the country would need to carry his rations.” Then Early turned, and at Cedar Creek, October 19, had victory in his grasp when Sheridan arrived on horse from Winchester, “twenty miles away.” So ended Confederate operations in the Valley.<sup>1</sup>

*Sheridan in  
the Valley*

Three weeks later (November 8, 1864) Lincoln was reelected. In late August he had believed the Democrats would win and therefore that the war would terminate without victory unless Union arms prevailed before his successor could be inaugurated.

The year of 1864 had begun with a short-lived presidential “boom” for Secretary Chase—a movement sponsored by congressmen who considered Lincoln too weak to merit further support. In due time Lincoln accepted the resignation of Chase (June 30), then later made him Chief Justice. Meanwhile opposition to Lincoln was growing within his party. A group of radicals nominated Frémont, May 31. Four days later Grant suffered his terrible repulse at Cold Harbor. Nevertheless, the regular Republicans (calling themselves the National Union party) renominated Lincoln, June 7. Angling for the support of all unionists, they then chose a War Democrat, Andrew Johnson of Tennessee, for Lincoln's running mate.

*Politics, 1864*

The seeming harmony was shattered on July 4, when Lincoln pocket-vetoed the radical Wade-Davis reconstruction bill, a measure designed to make the South suffer unduly after the war was over. Senators Wade and Davis then violently attacked the motives of Lincoln in a manifesto (August 5) which the ubiquitous Greeley published in his highly influential *Tribune*. That self-appointed spokesman for the nation was disgruntled; he had been sponsoring a peace movement (Niagara Falls Conference) that ended in a fiasco, for which he blamed Lincoln. So the country

*Growing  
opposition to  
Lincoln*

<sup>1</sup> The remnant of Early's force was overwhelmed at Waynsboro by Sheridan on March 2, 1865.



was treated to the spectacle of prominent Republicans engaged in trying to encompass the defeat of their nominee.<sup>1</sup>

The summer passed with mounting discontent in the North. Sherman had not reached Atlanta; Grant had little to show for the thousands he led to the slaughter, Lincoln in July calling for 500,000 volunteers—1,200,000 since February 1. On the day that Early came nearest Washington (July 11) greenbacks fell to thirty-three cents in gold, the lowest point during the war. So strong grew the popular desire for peace that the executive committee of the Republican party begged Lincoln to make an overture to Davis. This he would not do lest he appear in the damaging role of the supplicant. Davis, for his part, made clear his determination to consider no proposals of peace save on the basis of independence.

*Democrats  
nominate  
McClellan*

The Democrats nominated a War Democrat, General McClellan, on August 29, but the "peace faction" wrote the platform. Democratic victory appeared highly probable. Lincoln prepared for defeat. Then came the news that Sherman had entered Atlanta on September 2. Frémont dropped out of the contest (September 22); radical opposition faded, and Lincoln was reelected. The war would be fought to a conclusion. Indeed there is no legitimate reason to believe it would not have been had McClellan won. The Democratic party, in spite of its platform, was a Union party no less than the Republican; nor was there any fundamental difference in the Union sentiment of the two candidates.

*The war  
front,  
January  
1865*

Came January 1865. Nearly all signs pointed to the early collapse of the Confederacy. On his thirty-five-mile front, Lee's thinning ranks endured the freezing trenches, attempted to relieve their discomfort in caves which they dug ("rat holes") or, thoroughly discouraged, sought food and warmth in Union lines. Desertion, chiefly on the part of conscripts, spread like a cancer—woeful letters from destitute families often proving irresistible. Because available man power was becoming hopelessly inadequate, Lee advised the enlistment of Negroes. A law for that

<sup>1</sup> Confidentially, a "call" was issued for a convention to meet September 28 "to concentrate the union strength on some one candidate who commands the confidence of the country, even by a new nomination if necessary."

purpose went into force March 20, 1865. It was too late to affect the outcome.

Wilmington, the last really important Confederate port of entry, fell to Union forces in January.<sup>1</sup> The blockade was practically complete. Hood's army had been scattered in December. Sherman started northward from Savannah on February 1. Virginia and North Carolina were almost isolated. In January, as a last desperate bid for European support, Davis sent Duncan F. Kenner to England with the proposal that the slaves would be freed if England would recognize the Confederacy. It was forever too late. In January, Davis proposed a peace conference looking to a negotiated peace. On February 3, Lincoln and Seward met Vice-President Alexander Stephens and two other Confederate agents on a Union transport in Hampton Roads. There Lincoln once more stated the only terms on which the war could end: (1) surrender of the South and restoration of the Union, and (2) emancipation of the slaves. Davis would negotiate on no basis except the recognition of Southern independence. Slavery had become a minor consideration.

*Straws  
wind*

*Hampto  
Roads P  
Confere*

The war would continue, and Lee must make a final desperate effort to stave off defeat. On February 6 Davis made him commander-in-chief. The time had long since passed when such action might have been a decisive factor in the war. One of Lee's earliest acts was to restore Johnston to the command of such remnants of Confederates as remained in the Carolinas. Maybe they could retard Sherman's advance.

Meanwhile Grant continued to extend his lines southwest of Petersburg in order to envelop Lee. Sheridan with his strong cavalry joined Grant in March. Lee was outnumbered four to one. For nine months Lee had faced Grant in the trenches. But his lines were melting from desertion faster than the snow. Soon they would be too weak to hold. Lee must strike or retreat. Thus under hopeless odds he made an assault on Grant's left, creating consternation for a few hours. But on April 1, at Five Forks, he was badly beaten. It was the last important battle of the war. Clearly Petersburg could no longer be defended.

*Five For.  
April 1,*

<sup>1</sup> Charleston held out until February 1865, and Galveston did not surrender until June 2, 1865, nearly two months after Appomattox.

*Richmond  
evacuated*

The next day, Sunday, President Davis was in his pew at St. Paul's, Richmond, when a messenger arrived with word from Lee that the capital city must be evacuated immediately. That night Lee's battered army, about 30,000 men, quietly left the lines around Richmond and Petersburg, moving westward in the hope of joining Johnston and escaping to the mountains. Delayed by high water and endless mud, the vanguard reached Amelia Courthouse on Tuesday, only to find that the expected provisions had not arrived. A precious day was lost in fruitless search for food. Federal cavalry soon overtook the rear guard and took a heavy toll.

*Lee  
overtaken*

Onward pressed the pinched and famished Confederates, the line of march strewn with broken-down wagons, with horses and mules dying in mud holes and with exhausted soldiers lying on the ground only to await capture. On Saturday evening, not far from the village of Appomattox, clouds reflected the light of encircling Federal campfires. Palm Sunday (April 9) dawned. An attempt to cut through Union lines showed Lee that surrender was the only alternative to suicidal battle. Then, facing the hardest ordeal of his career without flinching, he sent a flag of truce to Grant, asking for terms of surrender.

*Appomattox*

At the home of Major McLean, near Appomattox Courthouse, the commanding generals met.<sup>1</sup> Lee was faultlessly attired in his best uniform—innate dignity and self-respect permitted nothing less; the modest, mud-spattered Grant wore a jacket that hardly distinguished him from a private. For a little while conversation turned to happier days; then Lee reminded Grant of the purpose for which they had met. Grant wrote the terms of surrender: officers and men to be released on parole; arms, excepting officers' side arms, to be surrendered. After expressing gratitude for the generous terms, Lee remarked that his cavalymen and artillerists owned their own horses. He was thinking of the destitute homes to which his worn men would return. With fine understanding Grant spared him the humiliation of making the request—the men should retain their horses against the spring

<sup>1</sup> By a strange coincidence, Major Wilmer McLean had owned the farm at Bull Run where the first battle began. He then purchased property at Appomattox in order to escape the theater of war.



## RUINS OF RICHMOND AT END OF CIVIL WAR

*Photo by Culver Service*

plowing, in order that their families might not go hungry the next winter. Thus simply the war was over.<sup>1</sup>

The ordeal ended, Lee stood at the head of the porch steps gazing across the valley awakening to the touch of spring, then mounted Traveller—he of the charmed life from the “Seven Days” to the end—and carried the news to veterans who wept, believing still that “Uncle Robert” could lead them to victory. Would posterity ever understand the great odds under which they struggled, or the cause for which many of them sacrificed everything except honor? Until his death, five years later, Lee believed not.

<sup>1</sup> On April 26, Johnston surrendered to Sherman in North Carolina. The last forces to surrender were those of Kirby Smith west of the Mississippi, May 26.

President Davis was captured May 10, and placed in Fort Monroe where he was imprisoned for two years.

Brave men in blue and gray fought like soldiers and made peace like gentlemen. It remained for victorious politicians, unrestrained by the tolerant and sympathetic Lincoln, to prolong the "Age of Hate."

*Lincoln's  
peace plans*

Like Lee, Lincoln had borne the crushing weight of the war without bitterness. In his second inaugural (March 1865), with the end of the war in sight, he had voiced a kindly spirit entirely alien to the thinking of Sumner, Wade, Thaddeus Stevens, and other radicals in Congress who were determined that the South should suffer for her sins:

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; . . . to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations.

On April 11, the President spoke from a portico of the White House, outlining his lenient plan for reconstruction:

Whether the Southerners have ever been out of the Union or not does not concern me. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad.

*Good Friday,  
April 1865*

It was Good Friday, April 14, 1865. At Charleston, General Anderson raised the Union flag over Fort Sumter. Washington was in festive mood. Lincoln, meeting his cabinet for the last time, expressed the hope that there would be no persecution, "no bloody work after the war is over." In the evening he attended Ford's theater with Mrs. Lincoln, and there the half-mad John Wilkes Booth, theatrical to the last, shot him. He was carried across the street to a poor boarding house where he lay unconscious to the end.

Thus amidst humble surroundings, in keeping with the spirit of one grown truly great, the labored breathing was stilled when morning came. With mingled grief, anger, and discouragement, a victorious North and a ruined South faced a new day and era.

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